

By

Burns

S.B. No. 1441

A BILL TO BE ENTITLED

AN ACT

relating to expanding the specialized telecommunications devices assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 56.151 and 56.152, Utilities Code, are amended to read as follows:

Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS DEVICE ASSISTANCE PROGRAM. The commission and the Texas Commission for the Deaf and Hard of Hearing by rule shall establish a program to provide financial assistance to [certain] individuals with disabilities that impair the individuals' ability to effectively access the telephone network ~~[who-are-deaf-or-have-an-impairment-of hearing--or--speech]~~ to enable the individuals to purchase specialized equipment to provide telephone network access that is functionally equivalent to that enjoyed by individuals without disabilities ~~[an-impairment-of-hearing-or-speech]~~.

Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf and Hard of Hearing by rule shall prescribe eligibility standards for individuals, including deaf individuals and individuals who have an impairment of hearing or speech, to receive an assistance voucher under the program. To be eligible, an individual must be a resident of this state who has access to a telephone line in the individual's home or place of business.

SECTION 2. Section 56.153(a), Utilities Code, is amended to

Replaced by sub

1 read as follows:

2 (a) The Texas Commission for the Deaf and Hard of Hearing
3 shall determine a reasonable price for a basic telecommunications
4 device for the deaf (TDD or TTY) and distribute to each eligible
5 applicant a voucher that guarantees payment of that amount to a
6 distributor of new specialized telecommunications devices described
7 by Section 56.151.

8 SECTION 3. Subchapter E, Chapter 56, Utilities Code, is
9 amended by adding Section 56.156 to read as follows:

10 Sec. 56.156. SPECIALIZED TELECOMMUNICATIONS ISSUES ADVISORY
11 COMMITTEE. The commission and the Texas Commission for the Deaf
12 and Hard of Hearing shall appoint an advisory committee to advise
13 the commission on issues regarding telephone network access for
14 individuals with disabilities. The committee must include:

15 (1) two individuals representing individuals who are
16 deaf;

17 (2) two individuals representing individuals who have
18 an impairment of hearing or speech;

19 (3) an individual with technical knowledge of
20 specialized telecommunications devices; and

21 (4) four individuals representing individuals with
22 disabilities that impair the individuals' ability to effectively
23 access the telephone network.

24 SECTION 4. (a) In accordance with Subsection (c),
25 Section 311.031, Government Code, which gives effect to a
26 substantive amendment enacted by the same legislature that
27 codifies the amended statute, the text of Sections 56.151, 56.152,

1 and 56.153(a), Utilities Code, as set out in Sections 1 and 2 of
2 this Act, gives effect to changes made by Chapter 149, Acts of
3 the 75th Legislature, Regular Session, 1997.

4 (b) To the extent of any conflict, this Act prevails over
5 another Act of the 76th Legislature, Regular Session, 1999,
6 relating to nonsubstantive additions to and corrections in
7 enacted codes.

8 SECTION 5. This Act takes effect September 1, 1999.

9 SECTION 6. The importance of this legislation and the
10 crowded condition of the calendars in both houses create an
11 emergency and an imperative public necessity that the
12 constitutional rule requiring bills to be read on three several
13 days in each house be suspended, and this rule is hereby suspended.

BILL ANALYSIS

Senate Research Center
76R7248 JJT-D

S.B. 1441
By: Barrientos
Human Services
4/12/1999
As Filed

DIGEST

Currently, the specialized telecommunications device assistance program only provides devices to individuals who are deaf or hard of hearing and not to individuals with other disabilities that make it difficult or impossible to use standard telecommunications devices. This bill would allow the Texas Public Utilities Commission and the Commission for the Deaf and Hard of Hearing to provide assistive telecommunications devices for individuals with serious disabilities.

PURPOSE

As proposed, S.B. 1441 sets forth guidelines for the expansion of the specialized telecommunications devices assistance program.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Commission for the Deaf and Hard of Hearing in SECTION 1 (Section 56.152, Utilities Code) and the Public Utilities Commission of Texas and the Texas Commission for the Deaf and Hard of Hearing in SECTION 1 (Section 56.151, Utilities Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 56.151 and 56.152, Utilities Code, to require the Public Utilities Commission of Texas (PUC) and the Texas Commission for the Deaf and Hard of Hearing (commission for the deaf) to, by rule, establish a program to financially assist individuals with disabilities that impair the individual's ability to effectively access the telephone network, rather than certain individuals who are deaf or have an impairment of hearing or speech. Requires the commission for the deaf to, by rule, prescribe eligibility standards for individuals, including deaf individuals and those who have an impairment of hearing or speech. Makes a conforming change.

SECTION 2. Amends Section 56.153(a), Utilities Code, to require the commission for the deaf to distribute certain vouchers to eligible applicants for devices described by Section 56.151.

SECTION 3. Amends Chapter 56E, Utilities Code, by adding Section 56.156, as follows:

Sec. 56.156. SPECIALIZED TELECOMMUNICATIONS ISSUES ADVISORY COMMITTEE. Requires PUC and the commission for the deaf to appoint an advisory committee to advise PUC on issues regarding telephone network access for individuals with disabilities. Sets forth requirements for the membership composition of the committee.

SECTION 4. Provides that the text of Sections 56.151, 56.152, and 56.153(a), Utilities Code, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997. Provides that this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.

1-1 By: Barrientos S.B. No. 1441
1-2 (In the Senate - Filed March 12, 1999; March 15, 1999, read
1-3 first time and referred to Committee on Human Services;
1-4 April 19, 1999, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 19, 1999,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1441 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to expanding the specialized telecommunications devices
1-11 assistance program.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 56.021, Utilities Code, is amended to
1-14 read as follows:

1-15 Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The
1-16 commission shall adopt and enforce rules requiring local exchange
1-17 companies to establish a universal service fund to:

1-18 (1) assist local exchange companies in providing basic
1-19 local telecommunications service at reasonable rates in high cost
1-20 rural areas;

1-21 (2) reimburse local exchange companies for revenue
1-22 lost by providing tel-assistance service under Subchapter C;

1-23 (3) reimburse the telecommunications carrier that
1-24 provides the statewide telecommunications relay access service
1-25 under Subchapter D;

1-26 (4) finance the specialized telecommunications
1-27 [device] assistance program established under Subchapter E; and

1-28 (5) reimburse the department, the Texas Commission for
1-29 the Deaf and Hard of Hearing, and the commission for costs incurred
1-30 in implementing this chapter and Chapter 57.

1-31 SECTION 2. Subsection (a), Section 56.110, Utilities Code,
1-32 is amended to read as follows:

1-33 (a) An advisory committee to assist the commission in
1-34 administering this subchapter is composed of the following persons
1-35 appointed by the commission:

1-36 (1) two persons with disabilities that impair the
1-37 ability to effectively access the telephone network other than
1-38 disabilities described by Subdivisions (2)-(7);

1-39 (2) one deaf person recommended by the Texas Deaf
1-40 Caucus;

1-41 (3) [†2†] one deaf person recommended by the Texas
1-42 Association of the Deaf;

1-43 (4) [†3†] one person with a hearing impairment
1-44 recommended by Self-Help for the Hard of Hearing;

1-45 (5) [†4†] one person with a hearing impairment
1-46 recommended by the American Association of Retired Persons;

1-47 (6) [†5†] one deaf and blind person recommended by the
1-48 Texas Deaf/Blind Association;

1-49 (7) [†6†] one person with a speech impairment and one
1-50 person with a speech and hearing impairment recommended by the
1-51 Coalition of Texans with Disabilities;

1-52 (8) [†7†] two representatives of telecommunications
1-53 utilities, one representing a nonlocal exchange utility and one
1-54 representing a local exchange company, chosen from a list of
1-55 candidates provided by the Texas Telephone Association;

1-56 (9) [†8†] two persons, at least one of whom is deaf,
1-57 with experience in providing relay services recommended by the
1-58 Texas Commission for the Deaf and Hard of Hearing; and

1-59 (10) [†9†] two public members recommended by
1-60 organizations representing consumers of telecommunications
1-61 services.

1-62 SECTION 3. Section 56.111, Utilities Code, is amended to
1-63 read as follows:

1-64 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory

committee shall:

(1) monitor the establishment, administration, and promotion of the statewide telecommunications relay access service;

(2) advise the commission in pursuing a service that meets the needs of persons with an impairment of hearing or speech in communicating with other telecommunications services users; and

(3) advise the commission and the Texas Commission for the Deaf and Hard of Hearing, at the request of either commission, regarding any issue related to the specialized telecommunications ~~[device]~~ assistance program established under Subchapter E, including:

(A) devices or services suitable to meet the needs of persons with disabilities ~~[the--hearing-impaired--and speech-impaired]~~ in communicating with other users of telecommunications services; and

(B) oversight and administration of the program.

SECTION 4. The heading to Subchapter E, Chapter 56, Utilities Code, is amended to read as follows:

SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS ~~[DEVICE]~~
ASSISTANCE PROGRAM

SECTION 5. Sections 56.151 through 56.154, Utilities Code, are amended to read as follows:

Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS ~~[DEVICE]~~ ASSISTANCE PROGRAM. The commission and the Texas Commission for the Deaf and Hard of Hearing by rule shall establish a specialized telecommunications assistance program to provide financial assistance to ~~[certain]~~ individuals with disabilities that impair the individuals' ability to effectively access the telephone network ~~[who-are-deaf-or-have-an-impairment-of-hearing--or--speech]~~ to enable the individuals to purchase specialized equipment or services to provide telephone network access that is functionally equivalent to that enjoyed by individuals without disabilities ~~[an impairment-of-hearing-or-speech]~~.

Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf and Hard of Hearing by rule shall prescribe eligibility standards for individuals, including deaf individuals and individuals who have an impairment of hearing or speech, to receive an assistance voucher under the program. To be eligible, an individual must be a resident of this state who has access to a telephone line in the individual's home or place of business.

Sec. 56.153. VOUCHERS. (a) The Texas Commission for the Deaf and Hard of Hearing shall determine a reasonable price for ~~[a]~~ basic telecommunications devices or services ~~[device-for-the-deaf {TDD-or-TTY}]~~ and distribute to each eligible applicant a voucher that guarantees payment of that amount to a distributor of new specialized telecommunications devices described by Section 56.151 or to a provider of services described by that section.

(b) A voucher must have the value printed on its face. The individual exchanging a voucher for the purchase of a specialized telecommunications device or service is responsible for payment of the difference between the voucher's value and the price of the device or service.

(c) The commission and the Texas Commission for the Deaf and Hard of Hearing by rule shall provide that a distributor of devices or a provider of services will receive not more than the full price of the device or service ~~[a-specialized-telecommunications-device]~~ if the recipient of a voucher exchanges the voucher for a device or service that the distributor or provider sells for less than the voucher's value.

(d) An individual who has exchanged a voucher for a specialized telecommunications device is not eligible to receive another voucher before the seventh anniversary of the date the individual exchanged the previously issued voucher.

(e) An individual is not eligible for a voucher if the Texas Commission for the Deaf and Hard of Hearing has issued a voucher to another individual in the individual's household for a device or service to serve the same telephone line.

(f) ~~[e)]~~ The Texas Commission for the Deaf and Hard of Hearing shall:

(1) process each application for a voucher to determine eligibility of the applicant; and

(2) give each eligible applicant a voucher on payment of a \$35 fee.

(g) [~~f~~] The Texas Commission for the Deaf and Hard of Hearing shall maintain a record regarding each individual who receives a voucher under the program.

(h) [~~g~~] The Texas Commission for the Deaf and Hard of Hearing shall deposit money collected under the program to the credit of the universal service fund.

Sec. 56.154. COMMISSION DUTIES. (a) Not later than the 45th day after the date the commission receives a voucher a telecommunications device distributor presents for payment or a voucher a telecommunications service provider presents for payment, the commission shall pay to the distributor or service provider the lesser of the value of a voucher properly exchanged for a specialized telecommunications device or service or the full price of the device or service for which a voucher recipient exchanges the voucher. The payments must be made from the universal service fund.

(b) The commission may investigate whether the presentation of a voucher for payment represents a valid transaction for a telecommunications device or service under the program. The Texas Commission for the Deaf and Hard of Hearing shall cooperate with and assist the commission in an investigation under this subsection.

SECTION 6. Subsection (a), Section 56.155, Utilities Code, is amended to read as follows:

(a) The commission shall allow a telecommunications utility to recover the universal service fund assessment related to the specialized telecommunications [~~device~~] assistance program through a surcharge added to the utility's customers' bills.

SECTION 7. (a) In accordance with Subsection (c), Section 311.031, Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 56.021, Subsection (a), Section 56.110, Sections 56.111, 56.151, 56.152, 56.153, and 56.154, and Subsection (a), Section 56.155, Utilities Code, as set out in Sections 1 through 6 of this Act, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997.

(b) To the extent of any conflict, this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. This Act takes effect September 1, 1999.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

* * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 1441
By Barrientos
(Author/Senate Sponsor)
April 19, 1999
(date)

Sir:

We, your Committee on HUMAN SERVICES, to which was referred the attached measure,
have on April 14, 1999, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Zaffirini, Chair	<input checked="" type="checkbox"/>			
Senator Carona, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Bernsen	<input checked="" type="checkbox"/>			
Senator Gallegos	<input checked="" type="checkbox"/>			
Senator Harris			<input checked="" type="checkbox"/>	
TOTAL VOTES	4	0	1	0

COMMITTEE ACTION

(S260) Considered in public hearing
(S270) Testimony taken

Scott Caffery
COMMITTEE CLERK

Zaffirini
CHAIR

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

SB 1441
SENATE COMMITTEE REPORT
Human Services Committee

April 14, 1999 - 8:00A

For: Carlton, Belinda (Coalition of Texans with Disabilities),
Austin

Hazard, Adrian S. (Jerry Hassell), Austin

On: Bosson, Ed (Public Utility Commission), Austin

Registering, but not testifying:

For: Enderlin, Jennifer G. (Southwestern Bell Telephone Company),
San Antonio

Miller, Ray (Preferred Voice, Inc.), Dallas

Schwartz, Jonas (United Cerebral Palsy of Texas), Austin

Sokolow, Judith (Advocacy, Inc.), Austin

Spradley, Carrie (Southwestern Bell Telephone Company), Austin

On: Collins, Billy (Texas Commission for the Deaf and Hard of
Hearing), Austin

Myers, David W. (Texas Commission for the Deaf and Hard of
Hearing), Austin

BILL ANALYSIS

Senate Research Center
76R12453 JJT-D

C.S.S.B. 1441
By: Barrientos
Human Services
4/14/1999
Committee Report (Substituted)

DIGEST

Currently, the specialized telecommunications device assistance program only provides devices to individuals who are deaf or hard of hearing and not to individuals with other disabilities that make it difficult or impossible to use standard telecommunications devices. This bill would allow the Texas Public Utility Commission and the Commission for the Deaf and Hard of Hearing to provide assistive telecommunications devices for individuals with serious disabilities.

PURPOSE

As proposed, C.S.S.B. 1441 sets forth guidelines for the expansion of the specialized telecommunications devices assistance program.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Commission for the Deaf and Hard of Hearing in SECTION 5 (Section 56.152, Utilities Code) and the Public Utility Commission of Texas and the Texas Commission for the Deaf and Hard of Hearing in SECTION 5 (Sections 56.151 and 56.153, Utilities Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 56.021, Utilities Code, to require the Public Utility Commission of Texas (PUC) to adopt and enforce rules requiring local exchange companies to establish a universal service fund to finance the specialized telecommunications assistance program.

SECTION 2. Amends Section 56.110(a), Utilities Code, to provide that an advisory committee to assist PUC is composed of certain persons, including two persons with certain disabilities that impair the ability to effectively access the telephone network. Makes conforming changes.

SECTION 3. Amends Section 56.111, Utilities Code, to require the advisory committee to advise the PUC and the Texas Commission for the Deaf and Hard of Hearing (commission for the deaf) regarding devices or services suitable to meet the needs of persons with disabilities. Deletes text regarding the hearing impaired. Makes a conforming change.

SECTION 4. Amends the heading of Chapter 56E, Utilities Code, as follows:

SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAM

SECTION 5. Amends Sections 56.151 - 56.154, Utilities Code, as follows:

Sec. 56.151. New heading: SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAM. Requires PUC and the commission for the deaf, by rule, to establish a specialized telecommunications program to financially assist individuals with disabilities that impair the individual's ability to effectively access the telephone network, rather than certain individuals who are deaf or have an impairment of hearing or speech, to enable the individuals to purchase specialized services.

Sec. 56.152. ELIGIBILITY. Requires the commission for the deaf, by rule, to prescribe eligibility standards for individuals, including deaf individuals and those who have an impairment of hearing or speech.

Sec. 56.153. VOUCHERS. Requires the commission for the deaf to distribute certain vouchers to eligible

applicants for devices or services, rather than devices for the deaf (TDD or TTY). Requires PUC and the commission for the deaf, by rule, to provide that a distributor of devices or a provider of services will not receive more than full price of the device or service if certain action is taken. Makes conforming changes.

Sec. 56.154. COMMISSION DUTIES. Requires PUC to pay a telecommunications service provider who prevents a voucher for payment, not later than the 45th day after PUC receives the voucher. Makes conforming changes.

SECTION 6. Amends Section 56.155(a), Utilities Code, to make a conforming change.

SECTION 7. Provides that the text of Sections 56.021, 56.110(a), 56.111, 56.151, 56.152, and 56.153, 56.154, and 56.155(a), Utilities Code, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997. Provides that this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 56.021, Utilities Code, to require PUC to adopt and enforce rules requiring local exchange companies to establish a universal service fund to finance the specialized telecommunications assistance program.

SECTION 2.

Amends Section 56.110(a), Utilities Code, to provide that an advisory committee to assist PUC is composed of certain persons, including two persons with certain disabilities that impair the ability to effectively access the telephone network.

SECTION 3.

Amends Section 56.111, Utilities Code, to require the advisory committee to advise the PUC and the commission for the deaf regarding devices or services suitable to meet the needs of persons with disabilities.

SECTION 4.

Amends the heading to Chapter 56E, Utilities Code.

SECTION 5.

Amends Section 56.151, Utilities Code, to require PUC and the commission for the deaf, by rule, to establish a specialized telecommunications program to financially assist individuals with disabilities that impair the individual's ability to effectively access the telephone network to enable the individuals to purchase specialized services.

Amends Section 56.153, Utilities Code, to require the commission for the deaf to distribute certain vouchers to eligible applicants for devices or services. Requires PUC and the commission for the deaf, by rule, to provide that a distributor of devices or a provider of services will not receive more than full price of the device or service if certain action is taken. Makes conforming changes.

Amends Section 56.154, Utilities Code, to require the PUC to pay a telecommunications service provider who prevents a voucher for payment, not later than the 45th day after the PUC receives the voucher. Makes conforming changes.

SECTION 6.

Amends Section 56.155(a), Utilities Code, to make a conforming change.

SECTION 7.

Provides that the text of Sections 56.021, 56.110(a), 56.111, 56.151, 56.152, and 56.153, 56.154, and 56.155(a), Utilities Code, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 76th Regular Session

April 18, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (relating to expanding the specialized telecommunications devices assistance program), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 1st House, Substituted: impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with

disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 13, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Introduced: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. The cost of two additional employees (2 Administrative Tech. II positions) are included at \$21,852 each. One time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000. The average cost of equipment is estimated to be \$424; therefore, it is assumed that 430 new applicants each year at \$424 each, would cost \$182,320 in year one, and continued each

year thereafter.

Methodology

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint a nine member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities. Reimbursements for travel and other committee related expenses must be authorized in the General Appropriations Act.

The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, ER

By : Barnett

S.B. No. 1441

Substitute the following for S.B. No. 1441:

By : Barnett

C.S.B. No. 1441

M. Salley

A BILL TO BE ENTITLED

AN ACT

relating to expanding the specialized telecommunications devices assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 56.021, Utilities Code, is amended to read as follows:

Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The commission shall adopt and enforce rules requiring local exchange companies to establish a universal service fund to:

(1) assist local exchange companies in providing basic local telecommunications service at reasonable rates in high cost rural areas;

(2) reimburse local exchange companies for revenue lost by providing tel-assistance service under Subchapter C;

(3) reimburse the telecommunications carrier that provides the statewide telecommunications relay access service under Subchapter D;

(4) finance the specialized telecommunications [device] assistance program established under Subchapter E; and

(5) reimburse the department, the Texas Commission for the Deaf and Hard of Hearing, and the commission for costs incurred in implementing this chapter and Chapter 57.

SECTION 2. ^{Subsection (a),} Section 56.110(a), Utilities Code, is amended to read as follows:

Replaced by House Sub

1 (a) An advisory committee to assist the commission in/
2 administering this subchapter is composed of the following persons
3 appointed by the commission:

4 (1) two persons with disabilities that impair the
5 ability to effectively access the telephone network other than
6 disabilities described by Subdivisions (2)-(7);

7 (2) one deaf person recommended by the Texas Deaf
8 Caucus;

9 (3) [+2] one deaf person recommended by the Texas
10 Association of the Deaf;

11 (4) [+3] one person with a hearing impairment
12 recommended by Self-Help for the Hard of Hearing;

13 (5) [+4] one person with a hearing impairment
14 recommended by the American Association of Retired Persons;

15 (6) [+5] one deaf and blind person recommended by the
16 Texas Deaf/Blind Association;

17 (7) [+6] one person with a speech impairment and one
18 person with a speech and hearing impairment recommended by the
19 Coalition of Texans with Disabilities;

20 (8) [+7] two representatives of telecommunications
21 utilities, one representing a nonlocal exchange utility and one
22 representing a local exchange company, chosen from a list of
23 candidates provided by the Texas Telephone Association;

24 (9) [+8] two persons, at least one of whom is deaf,
25 with experience in providing relay services recommended by the
26 Texas Commission for the Deaf and Hard of Hearing; and

27 (10) [+9] two public members recommended by

1 organizations representing consumers of telecommunications
2 services.

3 SECTION 3. Section 56.111, Utilities Code, is amended to
4 read as follows:

5 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
6 committee shall:

7 (1) monitor the establishment, administration, and
8 promotion of the statewide telecommunications relay access service;

9 (2) advise the commission in pursuing a service that
10 meets the needs of persons with an impairment of hearing or speech
11 in communicating with other telecommunications services users; and

12 (3) advise the commission and the Texas Commission for
13 the Deaf and Hard of Hearing, at the request of either commission,
14 regarding any issue related to the specialized telecommunications
15 [device] assistance program established under Subchapter E,
16 including:

17 (A) devices or services suitable to meet the
18 needs of persons with disabilities [~~the--hearing-impaired--and~~
19 ~~speech-impaired~~] in communicating with other users of
20 telecommunications services; and

21 (B) oversight and administration of the program.

22 SECTION 4. The heading to Subchapter E, Chapter 56,
23 Utilities Code, is amended to read as follows:

24 SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS [DEVICE]

25 ASSISTANCE PROGRAM

26 SECTION 5. Sections 56.151^{through} 56.154, Utilities Code, are
27 amended to read as follows:

1 Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS [DEVICE]
2 ASSISTANCE PROGRAM. The commission and the Texas Commission for
3 the Deaf and Hard of Hearing by rule shall establish a specialized
4 telecommunications assistance program to provide financial
5 assistance to [certain] individuals with disabilities that impair
6 the individuals' ability to effectively access the telephone
7 network [who-are-deaf-or-have-an-impairment-of-hearing--or--speech]
8 to enable the individuals to purchase specialized equipment or
9 services to provide telephone network access that is functionally
10 equivalent to that enjoyed by individuals without disabilities [an
11 impairment-of-hearing-or-speech]. ^{Insert F.A. #11 ①}

12 Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf
13 and Hard of Hearing by rule shall prescribe eligibility standards
14 for individuals, including deaf individuals and individuals who
15 have an impairment of hearing or speech, to receive an assistance
16 voucher under the program. To be eligible, an individual must be a
17 resident of this state who has access to a telephone line in the
18 individual's home or place of business. ^{Insert F.A. #16}

19 Sec. 56.153. VOUCHERS. ^{Insert F.A. #16} (a) The Texas Commission for the
20 Deaf and Hard of Hearing shall determine a reasonable price for [a]
21 basic telecommunications devices or services [~~device for the deaf~~
22 ~~(TDD-or-TTY)~~] and distribute to each eligible applicant a voucher
23 that guarantees payment of that amount to a distributor of new
24 specialized telecommunications devices described by Section 56.151
25 or to a provider of services described by that section.

26 (b) A voucher must have the value printed on its face. The
27 individual exchanging a voucher for the purchase of a specialized

1 telecommunications device or service is responsible for payment of
2 the difference between the voucher's value and the price of the
3 device or service.

4 (c) The commission and the Texas Commission for the Deaf and
5 Hard of Hearing by rule shall provide that a distributor of devices
6 or a provider of services will receive not more than the full price
7 of the device or service [~~a-specialized-telecommunications-device~~]
8 if the recipient of a voucher exchanges the voucher for a device or
9 service that the distributor or provider sells for less than the
10 voucher's value.

11 (d) An individual who has exchanged a voucher for a
12 specialized telecommunications device is not eligible to receive
13 another voucher before the seventh anniversary of the date the
14 individual exchanged the previously issued voucher. *Insert F.A.# 13*

15 (e) An individual is not eligible for a voucher if the Texas
16 Commission for the Deaf and Hard of Hearing has issued a voucher to
17 another individual in the individual's household for a device or
18 service to serve the same telephone line.

19 (f) [~~f~~] The Texas Commission for the Deaf and Hard of
20 Hearing shall:

21 (1) process each application for a voucher to
22 determine eligibility of the applicant; and

23 (2) give each eligible applicant a voucher on payment
24 of a \$35 fee.

25 (g) [~~f~~] The Texas Commission for the Deaf and Hard of
26 Hearing shall maintain a record regarding each individual who
27 receives a voucher under the program.

1 (h) [~~g~~] The Texas Commission for the Deaf and Hard of
2 Hearing shall deposit money collected under the program to the
3 credit of the universal service fund.

4 Sec. 56.154. COMMISSION DUTIES. (a) Not later than the
5 45th day after the date the commission receives a voucher a
6 telecommunications device distributor presents for payment or a
7 voucher a telecommunications service provider presents for payment,
8 the commission shall pay to the distributor or service provider the
9 lesser of the value of a voucher properly exchanged for a
10 specialized telecommunications device or service or the full price
11 of the device or service for which a voucher recipient exchanges
12 the voucher. The payments must be made from the universal service
13 fund.

14 (b) The commission may investigate whether the presentation
15 of a voucher for payment represents a valid transaction for a/
16 telecommunications device or service under the program. The Texas
17 Commission for the Deaf and Hard of Hearing shall cooperate with
18 and assist the commission in an investigation under this
19 subsection.

20 *Insert*
E.A. 14 SECTION 6. *Subsection (a),* Section 56.155 *(a)*, Utilities Code, is amended to
21 read as follows:

22 (a) The commission shall allow a telecommunications utility
23 to recover the universal service fund assessment related to the
24 specialized telecommunications [~~device~~] assistance program through
25 a surcharge added to the utility's customers' bills.

26 SECTION 7. (a) In accordance with *Subsection (c),* Section 311.031 *(c)*,
27 Government Code, which gives effect to a substantive/ amendment *2/2*

1 enacted by the same legislature that codifies the amended
2 statute, the text of Sections 56.021, ^{Subsection (a), Section} 56.110 ^(a), ^{Section} 56.111, 56.151,
3 56.152, 56.153, ^{and} 56.154, and ^{through} 56.155 ^{Subsection (a), Section} (a), Utilities Code, as set out
4 in Sections 1 ^{through} 6 of this Act, gives effect to changes made by
5 Chapter 149, Acts of the 75th Legislature, Regular Session, 1997.

6 (b) To the extent of any conflict, this Act prevails over
7 another Act of the 76th Legislature, Regular Session, 1999,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 8. This Act takes effect September 1, 1999.

11 SECTION 9. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

ADOPTED

APR 23 1999

Letty Ling
Secretary of the Senate

Garrientas

Floor
COMMITTEE AMENDMENT NO. 1

1 Amend the proposed C.S.S.B. No. 1441, in Section 5 of the
2 bill, as follows:

3 ✓ (1) Following the period at the end of amended Section
4 56.151, Utilities Code (page 4, line 11), insert "The agencies may
5 adopt joint rules that identify devices and services eligible for
6 vouchers under the program."

7 ✓ (2) Strike amended Subsection (a), Section 56.153, Utilities
8 Code (page 4, lines 19-25), and substitute the following:

9 (a) The Texas Commission for the Deaf and Hard of Hearing
10 shall determine a reasonable price for a basic specialized
11 telecommunications device or basic specialized services to provide
12 telephone network access from a home or business [~~for-the-deaf-(TDD~~
13 ~~or--TTY)~~] and distribute to each eligible applicant a voucher that
14 guarantees payment of that amount to a distributor of new
15 specialized telecommunications devices described by Section 56.151
16 or to a provider of services described by that section.

17 ✓ (3) At the end of amended Subsection (d), Section 56.153,
18 Utilities Code (page 5, line 14), strike "voucher." and substitute
19 the following: voucher unless, before that date, the recipient
20 develops a need for a different type of telecommunications device
21 or service under the program because the recipient's disability
22 changes or the recipient acquires another disability.

23 ✓ (4) At the end of amended Section 56.154, Utilities Code
24 (page 6, between lines 19 and 20), insert a new Subsection (c) of
25 that section as follows:

26 (c) Notwithstanding Section 56.153(a), the commission may:
27 (1) delay payment of a voucher to a distributor of
28 devices or a service provider if there is a dispute regarding the
29 amount or propriety of the payment or whether the device or service

1 is appropriate or adequate to meet the needs of the person to whom
2 the Texas Commission for the Deaf and Hard of Hearing issued the
3 voucher until the dispute is resolved;

4 (2) provide that payment of the voucher is conditioned
5 on the return of the payment if the device is returned to the
6 distributor or if the service is not used by the person to whom the
7 voucher was issued; and

8 (3) provide an alternative dispute resolution process
9 for resolving a dispute regarding a subject described by
10 Subdivision (1) or (2).

HOUSE COMMITTEE REPORT

1st Printing

MAY 11 PM
HOUSE OF REPRESENTATIVES

By Barrientos
(Naishtat)

S.B. No. 1441

Substitute the following for S.B. No. 1441:

By Christian

C.S.S.B. No. 1441

A BILL TO BE ENTITLED

AN ACT

relating to expanding the specialized telecommunications devices assistance program and contracts for special features of the telecommunications relay access service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 56.021, Utilities Code, is amended to read as follows:

Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The commission shall adopt and enforce rules requiring local exchange companies to establish a universal service fund to:

(1) assist local exchange companies in providing basic local telecommunications service at reasonable rates in high cost rural areas;

(2) reimburse local exchange companies for revenue lost by providing tel-assistance service under Subchapter C;

(3) reimburse the telecommunications carrier that provides the statewide telecommunications relay access service under Subchapter D;

(4) finance the specialized telecommunications [device] assistance program established under Subchapter E; and

(5) reimburse the department, the Texas Commission for the Deaf and Hard of Hearing, and the commission for costs incurred in implementing this chapter and Chapter 57.

SECTION 2. Subchapter D, Chapter 56, Utilities Code, is

1 amended by adding Section 56.1085 to read as follows:

2 Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE.

3 (a) The commission may contract for a special feature for the
4 state's telecommunications relay access service if the commission
5 determines:

6 (1) the feature will benefit the communication of
7 persons with an impairment of hearing or speech;

8 (2) installation of the feature will be of benefit to
9 the state; and

10 (3) the feature will make the relay access service
11 available to a greater number of users.

12 (b) If the carrier selected to provide the
13 telecommunications relay access service under Section 56.108 is
14 unable to provide the special feature at the best value to the
15 state, the commission may make a written award of a contract for a
16 carrier to provide the special feature to the telecommunications
17 carrier whose proposal is most advantageous to the state,
18 considering:

19 (1) the factors provided by Section 56.108(b); and

20 (2) the past performance, demonstrated capability, and
21 experience of the carrier.

22 (c) The commission shall consider each proposal in a manner
23 that does not disclose the contents of the proposal to a
24 telecommunications carrier making a competing proposal.

25 (d) The commission's evaluation of a telecommunications
26 carrier's proposal shall include the considerations provided by
27 Section 56.108(d).

1 SECTION 3. Section 56.109(a), Utilities Code, is amended to
2 read as follows:

3 (a) The telecommunications carrier selected to provide the
4 telecommunications relay access service under Section 56.108 or the
5 carrier selected to provide a special feature for [that-provides]
6 the telecommunications relay access service under Section 56.1085
7 shall be compensated at rates and on terms provided by the
8 carrier's contract with the commission.

9 SECTION 4. Subsection (a), Section 56.110, Utilities Code,
10 is amended to read as follows:

11 (a) An advisory committee to assist the commission in
12 administering this subchapter is composed of the following persons
13 appointed by the commission:

14 (1) two persons with disabilities that impair the
15 ability to effectively access the telephone network other than
16 disabilities described by Subdivisions (2)-(7);

17 (2) one deaf person recommended by the Texas Deaf
18 Caucus;

19 (3) [+2+] one deaf person recommended by the Texas
20 Association of the Deaf;

21 (4) [+3+] one person with a hearing impairment
22 recommended by Self-Help for the Hard of Hearing;

23 (5) [+4+] one person with a hearing impairment
24 recommended by the American Association of Retired Persons;

25 (6) [+5+] one deaf and blind person recommended by the
26 Texas Deaf/Blind Association;

27 (7) [+6+] one person with a speech impairment and one

1 person with a speech and hearing impairment recommended by the
2 Coalition of Texans with Disabilities;

3 (8) [(7)] two representatives of telecommunications
4 utilities, one representing a nonlocal exchange utility and one
5 representing a local exchange company, chosen from a list of
6 candidates provided by the Texas Telephone Association;

7 (9) [(8)] two persons, at least one of whom is deaf,
8 with experience in providing relay services recommended by the
9 Texas Commission for the Deaf and Hard of Hearing; and

10 (10) [(9)] two public members recommended by
11 organizations representing consumers of telecommunications
12 services.

13 SECTION 5. Section 56.111, Utilities Code, is amended to
14 read as follows:

15 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
16 committee shall:

17 (1) monitor the establishment, administration, and
18 promotion of the statewide telecommunications relay access service;

19 (2) advise the commission in pursuing a service that
20 meets the needs of persons with an impairment of hearing or speech
21 in communicating with other telecommunications services users; and

22 (3) advise the commission and the Texas Commission for
23 the Deaf and Hard of Hearing, at the request of either commission,
24 regarding any issue related to the specialized telecommunications
25 [device] assistance program established under Subchapter E,
26 including:

27 (A) devices or services suitable to meet the

1 needs of persons with disabilities [~~the--hearing-impaired--and~~
2 ~~speech-impaired~~] in communicating with other users of
3 telecommunications services; and

4 (B) oversight and administration of the program.

5 SECTION 6. The heading to Subchapter E, Chapter 56,
6 Utilities Code, is amended to read as follows:

7 SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS [~~DEVICE~~]

8 ASSISTANCE PROGRAM

9 SECTION 7. Sections 56.151 through 56.154, Utilities Code,
10 are amended to read as follows:

11 Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS [~~DEVICE~~]
12 ASSISTANCE PROGRAM. The commission and the Texas Commission for
13 the Deaf and Hard of Hearing by rule shall establish a specialized
14 telecommunications assistance program to provide financial
15 assistance to [~~certain~~] individuals with disabilities that impair
16 the individuals' ability to effectively access the telephone
17 network [~~who--are-deaf-or-have-an-impairment-of-hearing-or-speech~~]
18 to enable the individuals to purchase specialized equipment or
19 services to provide telephone network access that is functionally
20 equivalent to that enjoyed by individuals without disabilities [~~an~~
21 ~~impairment--of--hearing--or--speech~~]. The agencies may adopt joint
22 rules that identify devices and services eligible for vouchers
23 under the program.

24 Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf
25 and Hard of Hearing by rule shall prescribe eligibility standards
26 for individuals, including deaf individuals and individuals who
27 have an impairment of hearing or speech, to receive an assistance

1 voucher under the program. To be eligible, an individual must be a
2 resident of this state who has access to a telephone line in the
3 individual's home or place of business.

4 Sec. 56.153. VOUCHERS. (a) The Texas Commission for the
5 Deaf and Hard of Hearing shall determine a reasonable price for a
6 basic specialized telecommunications device or basic specialized
7 services to provide telephone network access from a home or
8 business [~~for--the--deaf--(TDB--or--TTY)~~] and distribute to each
9 eligible applicant a voucher that guarantees payment of that amount
10 to a distributor of new specialized telecommunications devices
11 described by Section 56.151 or to a provider of services described
12 by that section. The Texas Commission for the Deaf and Hard of
13 Hearing may issue a voucher for a service only if the service is
14 less expensive than a device eligible for a voucher under the
15 program to meet the same need.

16 (b) A voucher must have the value printed on its face. The
17 individual exchanging a voucher for the purchase of a specialized
18 telecommunications device or service is responsible for payment of
19 the difference between the voucher's value and the price of the
20 device or service.

21 (c) The commission and the Texas Commission for the Deaf and
22 Hard of Hearing by rule shall provide that a distributor of devices
23 or a provider of services will receive not more than the full price
24 of the device or service [~~a-specialized-telecommunications-device~~]
25 if the recipient of a voucher exchanges the voucher for a device or
26 service that the distributor or provider sells for less than the
27 voucher's value.

1 (d) An individual who has exchanged a voucher for a
2 specialized telecommunications device is not eligible to receive
3 another voucher before the seventh anniversary of the date the
4 individual exchanged the previously issued voucher unless, before
5 that date, the recipient develops a need for a different type of
6 telecommunications device or service under the program because the
7 recipient's disability changes or the recipient acquires another
8 disability.

9 (e) An individual is not eligible for a voucher if the Texas
10 Commission for the Deaf and Hard of Hearing has issued a voucher to
11 another individual in the individual's household for a device or
12 service to serve the same telephone line.

13 (f) [~~f~~] The Texas Commission for the Deaf and Hard of
14 Hearing shall:

15 (1) process each application for a voucher to
16 determine eligibility of the applicant; and

17 (2) give each eligible applicant a voucher on payment
18 of a \$35 fee.

19 (g) [~~f~~] The Texas Commission for the Deaf and Hard of
20 Hearing shall maintain a record regarding each individual who
21 receives a voucher under the program.

22 (h) [~~g~~] The Texas Commission for the Deaf and Hard of
23 Hearing shall deposit money collected under the program to the
24 credit of the universal service fund.

25 Sec. 56.154. COMMISSION DUTIES. (a) Not later than the
26 45th day after the date the commission receives a voucher a
27 telecommunications device distributor presents for payment or a

1 voucher a telecommunications service provider presents for payment,
2 the commission shall pay to the distributor or service provider the
3 lesser of the value of a voucher properly exchanged for a
4 specialized telecommunications device or service or the full price
5 of the device or service for which a voucher recipient exchanges
6 the voucher. The payments must be made from the universal service
7 fund.

8 (b) The commission may investigate whether the presentation
9 of a voucher for payment represents a valid transaction for a
10 telecommunications device or service under the program. The Texas
11 Commission for the Deaf and Hard of Hearing shall cooperate with
12 and assist the commission in an investigation under this
13 subsection.

14 (c) Notwithstanding Section 56.153(a), the commission may:

15 (1) delay payment of a voucher to a distributor of
16 devices or a service provider if there is a dispute regarding the
17 amount or propriety of the payment or whether the device or service
18 is appropriate or adequate to meet the needs of the person to whom
19 the Texas Commission for the Deaf and Hard of Hearing issued the
20 voucher until the dispute is resolved;

21 (2) provide that payment of the voucher is conditioned
22 on the return of the payment if the device is returned to the
23 distributor or if the service is not used by the person to whom the
24 voucher was issued; and

25 (3) provide an alternative dispute resolution process
26 for resolving a dispute regarding a subject described by
27 Subdivision (1) or (2).

1 SECTION 8. Subsection (a), Section 56.155, Utilities Code,
2 is amended to read as follows:

3 (a) The commission shall allow a telecommunications utility
4 to recover the universal service fund assessment related to the
5 specialized telecommunications [device] assistance program through
6 a surcharge added to the utility's customers' bills.

7 SECTION 9. (a) In accordance with Subsection (c), Section
8 311.031, Government Code, which gives effect to a substantive
9 amendment enacted by the same legislature that codifies the
10 amended statute, the text of Section 56.021, Subsection (a),
11 Section 56.110, Sections 56.111, 56.151, 56.152, 56.153, and
12 56.154, and Subsection (a), Section 56.155, Utilities Code, as set
13 out in Sections 1, 4, 5, 6, 7, and 8 of this Act, gives effect to
14 changes made by Chapter 149, Acts of the 75th Legislature,
15 Regular Session, 1997.

16 (b) To the extent of any conflict, this Act prevails over
17 another Act of the 76th Legislature, Regular Session, 1999,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

20 SECTION 10. This Act takes effect September 1, 1999.

21 SECTION 11. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

May 4, 1999
(date)

Sir:

We, your COMMITTEE ON HUMAN SERVICES

to whom was referred SB 1441 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes () no A fiscal note was requested.
- () yes (X) no A criminal justice policy impact statement was requested.
- () yes (X) no An equalized educational funding impact statement was requested.
- () yes (X) no An actuarial analysis was requested.
- () yes (X) no A water development policy impact statement was requested.
- () yes (X) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Rep. Naishtat

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Naishtat, Chair	X			
Maxey, Vice-chair	X			
Chavez				X
Christian	X			
Davis, John	X			
Noriega	X			
Telford				X
Truitt	X			
Wohlgemuth				X

Total

6 aye
0 nay
0 present, not voting
3 absent

Naishtat
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

C.S.S.B. 1441
By: Barrientos
Human Services
5/6/1999
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 75th Texas Legislature created a voucher program to provide financial assistance for people with hearing or speech disabilities to acquire specialized telecommunications equipment that provides them telephone access functionally equivalent to that enjoyed by individuals without such disabilities. This voucher program is subsidized by the Universal Service Fund, which is a surcharge assessed to telephone companies. Many people with other disabilities also need this specialized equipment; for example, individuals without use of their hands or vision, and those who have suffered a stroke and have poor speech abilities. C.S.S.B. 1441 authorizes the Public Utility Commission (PUC) to contract for a special feature for the state's telecommunications relay access service if PUC determines it to be beneficial. This bill provides equal telecommunications access to all Texans with disabilities impairing their ability to effectively access the telephone network, rather than just those individuals who are deaf or have a hearing or speech impairment. Furthermore, this bill includes two such persons on the advisory committee to assist PUC.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that rulemaking authority previously delegated to the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing is modified in SECTION 7 (Section 56.151 and Section 56.152, Utilities Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 56.021, Utilities Code, to make a conforming change.

SECTION 2. Amends Subchapter D, Chapter 56, Utilities Code, by adding Section 56.1085, as follows:

Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE. Authorizes the Public Utility Commission (PUC) to contract for a special feature for the state's telecommunications relay access service if PUC determines it to be beneficial. Authorizes PUC to make a written award of a contract for a carrier to provide the special feature to the telecommunications carrier whose proposal is most advantageous to the state, if the carrier selected to provide the telecommunications relay access service under Section 56.108 (Selection of Telecommunications Relay Access Service Carrier) is unable to provide the special feature at the best value. Requires PUC to consider each proposal. Requires PUC's evaluation of a telecommunications carrier's proposal to include the consideration provided by Section 56.108.

SECTION 3. Amends Section 56.109(a), Utilities Code, to require the telecommunications carrier selected to provide the telecommunications relay access service under Section 56.108 or the carrier selected to provide a special feature for the telecommunications relay access service under Section 56.1085 to be compensated at rates and on terms provided by the carrier's contract with PUC.

SECTION 4. Amends Section 56.110(a), Utilities Code, to include on the advisory committee to assist PUC in administering this subchapter, two persons with disabilities that impair their ability to effectively access the telephone network other than disabilities described by Subdivisions (2)-(7). Redesignates existing Subdivisions (2)-(9) to Subdivisions (3)-(10), respectively.

SECTION 5. Amends Section 56.111, Utilities Code, to require the advisory committee to advise PUC and the Texas Commission for the Deaf and Hard of Hearing regarding any issue related to the specialized telecommunications assistance program, including devices or services suitable to meet the needs of persons with disabilities in communicating with other users of telecommunications services. Makes conforming changes.

SECTION 6. Amends the heading to Subchapter E, Chapter 56, Utilities Code, to read as follows:

SUBCHAPTER E. New title: SPECIALIZED TELECOMMUNICATIONS ASSISTANCE
PROGRAM

SECTION 7. Amends Sections 56.151-56.154, Utilities Code, as follows:

Sec. 56.151. New title: SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAMS. Requires PUC and the Texas Commission for the Deaf and Hard of Hearing, by rule, to establish a program to provide financial assistance to individuals with disabilities impairing the individual's ability to effectively access the telephone network, rather than certain individuals who are deaf or have an impairment of hearing or speech. Makes a conforming change.

Sec. 56.152. ELIGIBILITY. Makes a conforming change.

Sec. 56.153. VOUCHERS. Requires the Texas Commission for the Deaf and Hard of Hearing to determine a reasonable price for basic specialized services to provide telephone network access from a home or business, rather than for the deaf (TDD or TTY), and distribute to each eligible applicant a voucher that guarantees payment of that amount to a distributor of new specialized telecommunications devices described by Section 56.151 or to a provider of services described by that section. Authorizes the Texas Commission for the Deaf and Hard of Hearing to issue a voucher for a service only if the service is less expensive than a device eligible for a voucher under the program to meet the same need. Provides that an individual who has exchanged a voucher for a specialized telecommunications device is not eligible to receive another voucher before a specified date unless, before that date, the recipient develops a need for a different type of telecommunications device or service under the program because the recipient's disability changes or the recipient acquires another disability. Makes conforming changes.

Sec. 56.154. COMMISSION DUTIES. Requires PUC to pay to the distributor or service provider the specified value, not later than the 45th day after the date PUC receives a voucher which a telecommunications device distributor or a telecommunications service provider presents for payment. Authorizes PUC, notwithstanding Section 56.153, to delay payment of a voucher to a distributor of devices or a service provider, provide that payment of the voucher is conditioned on the return of the payment in certain instances, and provide an alternative dispute resolution process. Makes conforming changes.

SECTION 8. Amends Section 56.155(a), Utilities Code, to make a conforming change.

SECTION 9. Provides that in accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Sections 56.021, 56.110(a), 56.111, 56.151, 56.152, 56.153, 56.154, and 56.155(a), Utilities Code, as set out in SECTIONS 1, 4, 5, 6, 7 and 8 of this Act, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997. Provides that this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes to the extent of any conflict.

SECTION 10. Effective date: September 1, 1999.

SECTION 11. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1441 modifies the original in the caption by including contracts for special features of the telecommunications relay access service.

C.S.S.B. 1441 modifies the original by adding a new SECTION 2 (Subchapter D, Chapter 56, Utilities Code). The substitute adds new Section 56.1085 (Special Features For Relay Access Service) to authorize the Public Utility Commission (PUC) to contract for a special feature for the state's telecommunications relay access service if PUC determines it to be beneficial. The substitute authorizes PUC to make a written award of a contract for a carrier to provide the special feature to the telecommunications carrier whose proposal is most advantageous to the state, if the carrier selected to provide the telecommunications relay access service under Section 56.108 (Selection of Telecommunications Relay Access Service Carrier) is unable to provide the special feature at the best value. In addition, the substitute requires PUC to consider each proposal and requires PUC's evaluation of a telecommunications carrier's proposal to include the considerations provided by Section 56.108(d).

C.S.S.B. 1441 modifies the original by adding a new SECTION 3 (Section 56.109(a), Utilities Code) to require the telecommunications carrier selected to provide the telecommunications relay access service under Section 56.108 or the carrier selected to provide a special feature for the telecommunications relay access service under Section 56.1085 to be compensated at rates and on terms provided by the carrier's contract with PUC.

C.S.S.B. 1441 redesignates SECTIONS 2-9 of the original to SECTIONS 4-11 in the substitute.

C.S.S.B. 1441 modifies SECTION 7 (Section 56.153, Utilities Code), redesignated from SECTION 5 of the original, to authorize the Texas Commission for the Deaf and Hard of Hearing to issue a voucher for a service only if the service is less expensive than a device eligible for a voucher under the program to meet the same need.

C.S.S.B. 1441 modifies SECTION 9, redesignated from SECTION 7 of the original, to provide that in accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Sections 56.021, 56.110(a), 56.111, 56.151, 56.152, 56.153, 56.154, and 56.155(a), Utilities Code, as set out in SECTIONS 1, 4, 5, 6, 7 and 8 of this Act, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997.

SUMMARY OF COMMITTEE ACTION

SB 1441

May 4, 1999 2:00PM
Considered in public hearing
Committee substitute considered in committee
Testimony taken in committee
Reported favorably as substituted

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session
Revision 1

May 11, 1999

TO: Honorable Elliott Naishtat, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1441** by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 2nd House, Substituted: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunication services. The cost estimate has been revised to reflect Public Utility Commission's assumption that the fiscal impact would be limited to approximately 430 new applicants at a projected total cost of \$182,320 per year.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities.

Methodology

The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility Commission of Texas

LBB Staff: JK, TP, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 6, 1999

TO: Honorable Elliott Naishtat, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1441** by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 2nd House, Substituted: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with

disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 4, 1999

TO: Honorable Elliott Naishtat, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1441** by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Engrossed: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

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All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
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Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 18, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1441** by Barrientos (relating to expanding the specialized telecommunications devices assistance program), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 1st House, Substituted: impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with

disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 13, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Introduced: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. The cost of two additional employees (2 Administrative Tech. II positions) are included at \$21,852 each. One time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000. The average cost of equipment is estimated to be \$424; therefore, it is assumed that 430 new applicants each year at \$424 each, would cost \$182,320 in year one, and continued each

year thereafter.

Methodology

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint a nine member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities. Reimbursements for travel and other committee related expenses must be authorized in the General Appropriations Act.

The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, ER

RECOMMITTED
HOUSE
COMMITTEE REPORT

JULY 15 AM 2:00
RE OF REPRESENTA.

1st Printing

By Barrientos
(Naishtat)

S.B. No. 1441

Substitute the following for S.B. No. 1441:

By Naishtat

C.S.S.B. No. 1441

A BILL TO BE ENTITLED

AN ACT

relating to expanding the specialized telecommunications devices assistance program and contracts for special features of the telecommunications relay access service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 56.021, Utilities Code, is amended to read as follows:

Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The commission shall adopt and enforce rules requiring local exchange companies to establish a universal service fund to:

(1) assist local exchange companies in providing basic local telecommunications service at reasonable rates in high cost rural areas;

(2) reimburse local exchange companies for revenue lost by providing tel-assistance service under Subchapter C;

(3) reimburse the telecommunications carrier that provides the statewide telecommunications relay access service under Subchapter D;

(4) finance the specialized telecommunications [device] assistance program established under Subchapter E; and

(5) reimburse the department, the Texas Commission for the Deaf and Hard of Hearing, and the commission for costs incurred in implementing this chapter and Chapter 57.

SECTION 2. Subchapter D, Chapter 56, Utilities Code, is

1 amended by adding Section 56.1085 to read as follows:

2 Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE.

3 (a) The commission may contract for a special feature for the
4 state's telecommunications relay access service if the commission
5 determines:

6 (1) the feature will benefit the communication of
7 persons with an impairment of hearing or speech;

8 (2) installation of the feature will be of benefit to
9 the state; and

10 (3) the feature will make the relay access service
11 available to a greater number of users.

12 (b) If the carrier selected to provide the
13 telecommunications relay access service under Section 56.108 is
14 unable to provide the special feature at the best value to the
15 state, the commission may make a written award of a contract for a
16 carrier to provide the special feature to the telecommunications
17 carrier whose proposal is most advantageous to the state,
18 considering:

19 (1) the factors provided by Section 56.108(b); and

20 (2) the past performance, demonstrated capability, and
21 experience of the carrier.

22 (c) The commission shall consider each proposal in a manner
23 that does not disclose the contents of the proposal to a
24 telecommunications carrier making a competing proposal.

25 (d) The commission's evaluation of a telecommunications
26 carrier's proposal shall include the considerations provided by
27 Section 56.108(d).

1 SECTION 3. Section 56.109(a), Utilities Code, is amended to
2 read as follows:

3 (a) The telecommunications carrier selected to provide the
4 telecommunications relay access service under Section 56.108 or the
5 carrier selected to provide a special feature for [that-provides]
6 the telecommunications relay access service under Section 56.1085
7 shall be compensated at rates and on terms provided by the
8 carrier's contract with the commission.

9 SECTION 4. Subsection (a), Section 56.110, Utilities Code,
10 is amended to read as follows:

11 (a) An advisory committee to assist the commission in
12 administering this subchapter is composed of the following persons
13 appointed by the commission:

14 (1) two persons with disabilities that impair the
15 ability to effectively access the telephone network other than
16 disabilities described by Subdivisions (2)-(7);

17 (2) one deaf person recommended by the Texas Deaf
18 Caucus;

19 (3) [~~2~~] one deaf person recommended by the Texas
20 Association of the Deaf;

21 (4) [~~3~~] one person with a hearing impairment
22 recommended by Self-Help for the Hard of Hearing;

23 (5) [~~4~~] one person with a hearing impairment
24 recommended by the American Association of Retired Persons;

25 (6) [~~5~~] one deaf and blind person recommended by the
26 Texas Deaf/Blind Association;

27 (7) [~~6~~] one person with a speech impairment and one

1 person with a speech and hearing impairment recommended by the
2 Coalition of Texans with Disabilities;

3 (8) [†7†] two representatives of telecommunications
4 utilities, one representing a nonlocal exchange utility and one
5 representing a local exchange company, chosen from a list of
6 candidates provided by the Texas Telephone Association;

7 (9) [†8†] two persons, at least one of whom is deaf,
8 with experience in providing relay services recommended by the
9 Texas Commission for the Deaf and Hard of Hearing; and

10 (10) [†9†] two public members recommended by
11 organizations representing consumers of telecommunications
12 services.

13 SECTION 5. Section 56.111, Utilities Code, is amended to
14 read as follows:

15 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
16 committee shall:

17 (1) monitor the establishment, administration, and
18 promotion of the statewide telecommunications relay access service;

19 (2) advise the commission in pursuing a service that
20 meets the needs of persons with an impairment of hearing or speech
21 in communicating with other telecommunications services users; and

22 (3) advise the commission and the Texas Commission for
23 the Deaf and Hard of Hearing, at the request of either commission,
24 regarding any issue related to the specialized telecommunications
25 [device] assistance program established under Subchapter E,
26 including:

27 (A) devices or services suitable to meet the

1 needs of persons with disabilities [~~the--hearing-impaired--and~~
2 ~~speech-impaired~~] in communicating with other users of
3 telecommunications services; and

4 (B) oversight and administration of the program.

5 SECTION 6. The heading to Subchapter E, Chapter 56,
6 Utilities Code, is amended to read as follows:

7 SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS [~~DEVICE~~]

8 ASSISTANCE PROGRAM

9 SECTION 7. Sections 56.151 through 56.154, Utilities Code,
10 are amended to read as follows:

11 Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS [~~DEVICE~~]
12 ASSISTANCE PROGRAM. The commission and the Texas Commission for
13 the Deaf and Hard of Hearing by rule shall establish a specialized
14 telecommunications assistance program to provide financial
15 assistance to [~~certain~~] individuals with disabilities that impair
16 the individuals' ability to effectively access the telephone
17 network [~~who--are-deaf-or-have-an-impairment-of-hearing-or-speech~~]
18 to enable the individuals to purchase specialized equipment or
19 services to provide telephone network access that is functionally
20 equivalent to that enjoyed by individuals without disabilities [~~an~~
21 ~~impairment--of--hearing--or--speech~~]. The agencies may adopt joint
22 rules that identify devices and services eligible for vouchers
23 under the program.

24 Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf
25 and Hard of Hearing by rule shall prescribe eligibility standards
26 for individuals, including deaf individuals and individuals who
27 have an impairment of hearing or speech, to receive an assistance

1 voucher under the program. To be eligible, an individual must be a
2 resident of this state who has access to a telephone line in the
3 individual's home or place of business.

4 Sec. 56.153. VOUCHERS. (a) The Texas Commission for the
5 Deaf and Hard of Hearing shall determine a reasonable price for a
6 basic specialized telecommunications device or basic specialized
7 services to provide telephone network access from a home or
8 business [~~for--the--deaf--(TDD--or--TTY)~~] and distribute to each
9 eligible applicant a voucher that guarantees payment of that amount
10 to a distributor of new specialized telecommunications devices
11 described by Section 56.151 or to a provider of services described
12 by that section. The Texas Commission for the Deaf and Hard of
13 Hearing may issue a voucher for a service only if the service is
14 less expensive than a device eligible for a voucher under the
15 program to meet the same need.

16 (b) A voucher must have the value printed on its face. The
17 individual exchanging a voucher for the purchase of a specialized
18 telecommunications device or service is responsible for payment of
19 the difference between the voucher's value and the price of the
20 device or service.

21 (c) The commission and the Texas Commission for the Deaf and
22 Hard of Hearing by rule shall provide that a distributor of devices
23 or a provider of services will receive not more than the full price
24 of the device or service [~~a-specialized-telecommunications-device~~]
25 if the recipient of a voucher exchanges the voucher for a device or
26 service that the distributor or provider sells for less than the
27 voucher's value.

1 (d) An individual who has exchanged a voucher for a
2 specialized telecommunications device is not eligible to receive
3 another voucher before the seventh anniversary of the date the
4 individual exchanged the previously issued voucher unless, before
5 that date, the recipient develops a need for a different type of
6 telecommunications device or service under the program because the
7 recipient's disability changes or the recipient acquires another
8 disability.

9 (e) An individual is not eligible for a voucher if the Texas
10 Commission for the Deaf and Hard of Hearing has issued a voucher to
11 another individual in the individual's household for a device or
12 service to serve the same telephone line.

13 (f) [~~te~~] The Texas Commission for the Deaf and Hard of
14 Hearing shall:

15 (1) process each application for a voucher to
16 determine eligibility of the applicant; and

17 (2) give each eligible applicant a voucher on payment
18 of a \$35 fee.

19 (g) [~~tf~~] The Texas Commission for the Deaf and Hard of
20 Hearing shall maintain a record regarding each individual who
21 receives a voucher under the program.

22 (h) [~~tg~~] The Texas Commission for the Deaf and Hard of
23 Hearing shall deposit money collected under the program to the
24 credit of the universal service fund.

25 Sec. 56.154. COMMISSION DUTIES. (a) Not later than the
26 45th day after the date the commission receives a voucher a
27 telecommunications device distributor presents for payment or a

1 voucher a telecommunications service provider presents for payment,
2 the commission shall pay to the distributor or service provider the
3 lesser of the value of a voucher properly exchanged for a
4 specialized telecommunications device or service or the full price
5 of the device or service for which a voucher recipient exchanges
6 the voucher. The payments must be made from the universal service
7 fund.

8 (b) The commission may investigate whether the presentation
9 of a voucher for payment represents a valid transaction for a
10 telecommunications device or service under the program. The Texas
11 Commission for the Deaf and Hard of Hearing shall cooperate with
12 and assist the commission in an investigation under this
13 subsection.

14 (c) Notwithstanding Section 56.153(a), the commission may:

15 (1) delay payment of a voucher to a distributor of
16 devices or a service provider if there is a dispute regarding the
17 amount or propriety of the payment or whether the device or service
18 is appropriate or adequate to meet the needs of the person to whom
19 the Texas Commission for the Deaf and Hard of Hearing issued the
20 voucher until the dispute is resolved;

21 (2) provide that payment of the voucher is conditioned
22 on the return of the payment if the device is returned to the
23 distributor or if the service is not used by the person to whom the
24 voucher was issued; and

25 (3) provide an alternative dispute resolution process
26 for resolving a dispute regarding a subject described by
27 Subdivision (1) or (2).

1 SECTION 8. Subsection (a), Section 56.155, Utilities Code,
2 is amended to read as follows:

3 (a) The commission shall allow a telecommunications utility
4 to recover the universal service fund assessment related to the
5 specialized telecommunications [device] assistance program through
6 a surcharge added to the utility's customers' bills.

7 SECTION 9. (a) In accordance with Subsection (c), Section
8 311.031, Government Code, which gives effect to a substantive
9 amendment enacted by the same legislature that codifies the
10 amended statute, the text of Section 56.021, Subsection (a),
11 Section 56.110, Sections 56.111, 56.151, 56.152, 56.153, and
12 56.154, and Subsection (a), Section 56.155, Utilities Code, as set
13 out in Sections 1, 4, 5, 6, 7, and 8 of this Act, gives effect to
14 changes made by Chapter 149, Acts of the 75th Legislature,
15 Regular Session, 1997.

16 (b) To the extent of any conflict, this Act prevails over
17 another Act of the 76th Legislature, Regular Session, 1999,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

20 SECTION 10. This Act takes effect September 1, 1999.

21 SECTION 11. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

May 14, 1999
(date)

Sir:

We, your COMMITTEE ON HUMAN SERVICES

to whom was referred SB 1441 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
() do pass, with amendment(s).
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
(X) yes () no A fiscal note was requested.
() yes (X) no A criminal justice policy impact statement was requested.
() yes (X) no An equalized educational funding impact statement was requested.
() yes (X) no An actuarial analysis was requested.
() yes (X) no A water development policy impact statement was requested.
() yes (X) no A tax equity note was requested.
() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Rep. Naishtat

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Naishtat, Chair	X			
Maxey, Vice-chair	X			
Chavez	X			
Christian	X			
Davis, John	X			
Noriega	X			
Telford				X
Truitt	X			
Wohlgemuth	X			

Total

8 aye
0 nay
0 present, not voting
1 absent

[Signature]
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

C.S.S.B. 1441
By: Barrientos
Human Services
5/14/1999

Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 75th Texas Legislature created a voucher program to provide financial assistance for people with hearing or speech disabilities to acquire specialized telecommunications equipment that provides them telephone access functionally equivalent to that enjoyed by individuals without such disabilities. This voucher program is subsidized by the Universal Service Fund, which is a surcharge assessed to telephone companies. Many people with other disabilities also need this specialized equipment; for example, individuals without use of their hands or vision, and those who have suffered a stroke and have poor speech abilities. C.S.S.B. 1441 authorizes the Public Utility Commission (PUC) to contract for a special feature for the state's telecommunications relay access service if PUC determines it to be beneficial. This bill provides equal telecommunications access to all Texans with disabilities impairing their ability to effectively access the telephone network, rather than just those individuals who are deaf or have a hearing or speech impairment. Furthermore, this bill includes two such persons on the advisory committee to assist PUC.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that rulemaking authority previously delegated to the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing is modified in SECTION 7 (Section 56.151 and Section 56.152, Utilities Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 56.021, Utilities Code, to make a conforming change.

SECTION 2. Amends Subchapter D, Chapter 56, Utilities Code, by adding Section 56.1085, as follows:

Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE. Authorizes the Public Utility Commission (PUC) to contract for a special feature for the state's telecommunications relay access service if PUC determines it to be beneficial. Authorizes PUC to make a written award of a contract for a carrier to provide the special feature to the telecommunications carrier whose proposal is most advantageous to the state, if the carrier selected to provide the telecommunications relay access service under Section 56.108 (Selection of Telecommunications Relay Access Service Carrier) is unable to provide the special feature at the best value. Requires PUC to consider each proposal. Requires PUC's evaluation of a telecommunications carrier's proposal to include the consideration provided by Section 56.108.

SECTION 3. Amends Section 56.109(a), Utilities Code, to require the telecommunications carrier selected to provide the telecommunications relay access service under Section 56.108 or the carrier selected to provide a special feature for the telecommunications relay access service under Section 56.1085 to be compensated at rates and on terms provided by the carrier's contract with PUC.

SECTION 4. Amends Section 56.110(a), Utilities Code, to include on the advisory committee to assist PUC in administering this subchapter, two persons with disabilities that impair their ability to effectively access the telephone network other than disabilities described by Subdivisions (2)-(7). Redesignates existing Subdivisions (2)-(9) to Subdivisions (3)-(10), respectively.

SECTION 5. Amends Section 56.111, Utilities Code, to require the advisory committee to advise PUC and the Texas Commission for the Deaf and Hard of Hearing regarding any issue related to the specialized telecommunications assistance program, including devices or services suitable to meet the needs of persons with disabilities in communicating with other users of telecommunications services. Makes conforming changes.

SECTION 6. Amends the heading to Subchapter E, Chapter 56, Utilities Code, to read as follows:

SUBCHAPTER E. New title: SPECIALIZED TELECOMMUNICATIONS ASSISTANCE
PROGRAM

SECTION 7. Amends Sections 56.151-56.154, Utilities Code, as follows:

Sec. 56.151. New title: SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAMS. Requires PUC and the Texas Commission for the Deaf and Hard of Hearing, by rule, to establish a program to provide financial assistance to individuals with disabilities impairing the individual's ability to effectively access the telephone network, rather than certain individuals who are deaf or have an impairment of hearing or speech. Makes a conforming change.

Sec. 56.152. ELIGIBILITY. Makes a conforming change.

Sec. 56.153. VOUCHERS. Requires the Texas Commission for the Deaf and Hard of Hearing to determine a reasonable price for basic specialized services to provide telephone network access from a home or business, rather than for the deaf (TDD or TTY), and distribute to each eligible applicant a voucher that guarantees payment of that amount to a distributor of new specialized telecommunications devices described by Section 56.151 or to a provider of services described by that section. Authorizes the Texas Commission for the Deaf and Hard of Hearing to issue a voucher for a service only if the service is less expensive than a device eligible for a voucher under the program to meet the same need. Provides that an individual who has exchanged a voucher for a specialized telecommunications device is not eligible to receive another voucher before a specified date unless, before that date, the recipient develops a need for a different type of telecommunications device or service under the program because the recipient's disability changes or the recipient acquires another disability. Makes conforming changes.

Sec. 56.154. COMMISSION DUTIES. Requires PUC to pay to the distributor or service provider the specified value, not later than the 45th day after the date PUC receives a voucher which a telecommunications device distributor or a telecommunications service provider presents for payment. Authorizes PUC, notwithstanding Section 56.153, to delay payment of a voucher to a distributor of devices or a service provider, provide that payment of the voucher is conditioned on the return of the payment in certain instances, and provide an alternative dispute resolution process. Makes conforming changes.

SECTION 8. Amends Section 56.155(a), Utilities Code, to make a conforming change.

SECTION 9. Provides that in accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Sections 56.021, 56.110(a), 56.111, 56.151, 56.152, 56.153, 56.154, and 56.155(a), Utilities Code, as set out in SECTIONS 1, 4, 5, 6, 7 and 8 of this Act, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997. Provides that this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes to the extent of any conflict.

SECTION 10. Effective date: September 1, 1999.

SECTION 11. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1441 modifies the original in the caption by including contracts for special features of the telecommunications relay access service.

C.S.S.B. 1441 modifies the original by adding a new SECTION 2 (Subchapter D, Chapter 56, Utilities Code). The substitute adds new Section 56.1085 (Special Features For Relay Access Service) to authorize the Public Utility Commission (PUC) to contract for a special feature for the state's telecommunications relay access service if PUC determines it to be beneficial. The substitute authorizes PUC to make a written award of a contract for a carrier to provide the special feature to the telecommunications carrier whose proposal is most advantageous to the state, if the carrier selected to provide the telecommunications relay access service under Section 56.108 (Selection of Telecommunications Relay Access Service Carrier) is unable to provide the special feature at the best value. In addition, the substitute requires PUC to consider each proposal and requires PUC's evaluation of a telecommunications carrier's proposal to include the considerations provided by Section 56.108(d).

C.S.S.B. 1441 modifies the original by adding a new SECTION 3 (Section 56.109(a), Utilities Code) to require the telecommunications carrier selected to provide the telecommunications relay access service under Section 56.108 or the carrier selected to provide a special feature for the telecommunications relay access service under Section 56.1085 to be compensated at rates and on terms provided by the carrier's contract with PUC.

C.S.S.B. 1441 redesignates SECTIONS 2-9 of the original to SECTIONS 4-11 in the substitute.

C.S.S.B. 1441 modifies SECTION 7 (Section 56.153, Utilities Code), redesignated from SECTION 5 of the original, to authorize the Texas Commission for the Deaf and Hard of Hearing to issue a voucher for a service only if the service is less expensive than a device eligible for a voucher under the program to meet the same need.

C.S.S.B. 1441 modifies SECTION 9, redesignated from SECTION 7 of the original, to provide that in accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Sections 56.021, 56.110(a), 56.111, 56.151, 56.152, 56.153, 56.154, and 56.155(a), Utilities Code, as set out in SECTIONS 1, 4, 5, 6, 7 and 8 of this Act, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997.

SUMMARY OF COMMITTEE ACTION

SB 1441

May 14, 1999 upon adjournment
Considered in formal meeting
Committee substitute considered in committee
Reported favorably as substituted

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session
Revision 1

May 14, 1999

TO: Honorable Elliott Naishtat, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 2nd House, Substituted: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunication services. The cost estimate has been revised to reflect Public Utility Commission's assumption that the fiscal impact would be limited to approximately 430 new applicants at a projected total cost of \$182,320 per year.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities.

Methodology

The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility Commission of Texas

LBB Staff: JK, TP, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 4, 1999

TO: Honorable Elliott Naishtat, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Engrossed: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility Commission of Texas

LBB Staff: JK, TP, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 18, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (relating to expanding the specialized telecommunications devices assistance program), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 1st House, Substituted: impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with

disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 13, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1441** by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Introduced: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. The cost of two additional employees (2 Administrative Tech. II positions) are included at \$21,852 each. One time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000. The average cost of equipment is estimated to be \$424; therefore, it is assumed that 430 new applicants each year at \$424 each, would cost \$182,320 in year one, and continued each

year thereafter.

Methodology

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint a nine member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities. Reimbursements for travel and other committee related expenses must be authorized in the General Appropriations Act.

The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, ER

ADOPTED

MAY 28 1999

George G. ...
HOUSE OF REPRESENTATIVES

By B. Nientos

S.B. No. 1441

Substitute the following for S.B. No. 1441:

By Naishtat

C.S. S.B. No. 1441

A BILL TO BE ENTITLED

AN ACT

relating to expanding the specialized telecommunications devices assistance program and contracts for special features of the telecommunications relay access service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 56.021, Utilities Code, is amended to read as follows:

Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The commission shall adopt and enforce rules requiring local exchange companies to establish a universal service fund to:

(1) assist local exchange companies in providing basic local telecommunications service at reasonable rates in high cost rural areas;

(2) reimburse local exchange companies for revenue lost by providing tel-assistance service under Subchapter C;

(3) reimburse the telecommunications carrier that provides the statewide telecommunications relay access service under Subchapter D;

(4) finance the specialized telecommunications [device] assistance program established under Subchapter E; and

(5) reimburse the department, the Texas Commission for the Deaf and Hard of Hearing, and the commission for costs incurred in implementing this chapter and Chapter 57.

SECTION 2. Subchapter D, Chapter 56, Utilities Code, is

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1 amended by adding Section 56.1085 to read as follows:/

2 Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE.

3 (a) The commission may contract for a special feature for the
4 state's telecommunications relay access service if the commission
5 determines:

6 (1) the feature will benefit the communication of
7 persons with an impairment of hearing or speech;

8 (2) installation of the feature will be of benefit to
9 the state; and

10 (3) the feature will make the relay access service
11 available to a greater number of users.

12 (b) If the carrier selected to provide the
13 telecommunications relay access service under Section 56.108 is
14 unable to provide the special feature at the best value to the
15 state, the commission may make a written award of a contract for a
16 carrier to provide the special feature to the telecommunications
17 carrier whose proposal is most advantageous to the state,
18 considering:

19 (1) the factors provided by Section 56.108(b); and

20 (2) the past performance, demonstrated capability, and
21 experience of the carrier.

22 (c) The commission shall consider each proposal in a manner
23 that does not disclose the contents of the proposal to a
24 telecommunications carrier making a competing proposal.

25 (d) The commission's evaluation of a telecommunications
26 carrier's proposal shall include the considerations provided by
27 Section 56.108(d).

1 *Subsection (a)*
2 SECTION 3. ~~Section 56.109(a)~~, Utilities Code, is amended to
3 read as follows:

4 (a) The telecommunications carrier selected to provide the
5 telecommunications relay access service under Section 56.108 or the
6 carrier selected to provide a special feature for [that-provides]
7 the telecommunications relay access service under Section 56.1085
8 shall be compensated at rates and on terms provided by the
9 carrier's contract with the commission.

10 SECTION 4. Subsection (a), Section 56.110, Utilities Code,
11 is amended to read as follows:

12 (a) An advisory committee to assist the commission in
13 administering this subchapter is composed of the following persons
14 appointed by the commission:

15 (1) two persons with disabilities that impair the
16 ability to effectively access the telephone network other than
17 disabilities described by Subdivisions (2)-(7);

18 (2) one deaf person recommended by the Texas Deaf
19 Caucus;

20 (3) [+2] one deaf person recommended by the Texas
21 Association of the Deaf;

22 (4) [+3] one person with a hearing impairment
23 recommended by Self-Help for the Hard of Hearing;

24 (5) [+4] one person with a hearing impairment
25 recommended by the American Association of Retired Persons;

26 (6) [+5] one deaf and blind person recommended by the
27 Texas Deaf/Blind Association;

 (7) [+6] one person with a speech impairment and one

1 person with a speech and hearing impairment recommended by the
2 Coalition of Texans with Disabilities;

3 (8) [~~7~~] two representatives of telecommunications
4 utilities, one representing a nonlocal exchange utility and one
5 representing a local exchange company, chosen from a list of
6 candidates provided by the Texas Telephone Association;

7 (9) [~~8~~] two persons, at least one of whom is deaf,
8 with experience in providing relay services recommended by the
9 Texas Commission for the Deaf and Hard of Hearing; and

10 (10) [~~9~~] two public members recommended by
11 organizations representing consumers of telecommunications
12 services.

13 SECTION 5. Section 56.111, Utilities Code, is amended to
14 read as follows:

15 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
16 committee shall:

17 (1) monitor the establishment, administration, and
18 promotion of the statewide telecommunications relay access service;

19 (2) advise the commission in pursuing a service that
20 meets the needs of persons with an impairment of hearing or speech
21 in communicating with other telecommunications services users; and

22 (3) advise the commission and the Texas Commission for
23 the Deaf and Hard of Hearing, at the request of either commission,
24 regarding any issue related to the specialized telecommunications
25 [device] assistance program established under Subchapter E,
26 including:

27 (A) devices or services suitable to meet the

1 needs of persons with disabilities [~~the--hearing-impaired--and~~
2 ~~speech-impaired~~] in communicating with other users of
3 telecommunications services; and

4 (B) oversight and administration of the program.

5 SECTION 6. The heading to Subchapter E, Chapter 56,
6 Utilities Code, is amended to read as follows:

7 SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS [DELETED]

8 ASSISTANCE PROGRAM

9 SECTION 7. Sections 56.151 through 56.154, Utilities Code,
10 are amended to read as follows:

11 Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS [DELETED]
12 ASSISTANCE PROGRAM. The commission and the Texas Commission for
13 the Deaf and Hard of Hearing by rule shall establish a specialized
14 telecommunications assistance program to provide financial
15 assistance to [~~certain~~] individuals with disabilities that impair
16 the individuals' ability to effectively access the telephone
17 network [~~who--are-deaf-or-have-an-impairment-of-hearing-or-speech~~]
18 to enable the individuals to purchase specialized equipment or
19 services to provide telephone network access that is functionally
20 equivalent to that enjoyed by individuals without disabilities [~~an~~
21 ~~impairment--of--hearing--or--speech~~]. The agencies may adopt joint
22 rules that identify devices and services eligible for vouchers
23 under the program.

24 Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf/
25 and Hard of Hearing by rule shall prescribe eligibility standards
26 for individuals, including deaf individuals and individuals who
27 have an impairment of hearing or speech, to receive an assistance

1 voucher under the program. To be eligible, an individual must be a
2 resident of this state who has access to a telephone line in the
3 individual's home or place of business.

4 Sec. 56.153. VOUCHERS. (a) The Texas Commission for the
5 Deaf and Hard of Hearing shall determine a reasonable price for a
6 basic specialized telecommunications device or basic specialized
7 services to provide telephone network access from a home or
8 business [~~for--the--deaf--(TDD--or--TTY)~~] and distribute to each
9 eligible applicant a voucher that guarantees payment of that amount
10 to a distributor of new specialized telecommunications devices
11 described by Section 56.151 or to a provider of services described
12 by that section. The Texas Commission for the Deaf and Hard of
13 Hearing may issue a voucher for a service only if the service is
14 less expensive than a device eligible for a voucher under the
15 program to meet the same need.

16 (b) A voucher must have the value printed on its face. The
17 individual exchanging a voucher for the purchase of a specialized
18 telecommunications device or service is responsible for payment of
19 the difference between the voucher's value and the price of the
20 device or service.

21 (c) The commission and the Texas Commission for the Deaf and
22 Hard of Hearing by rule shall provide that a distributor of devices
23 or a provider of services will receive not more than the full price/
24 of the device or service [~~a-specialized-telecommunications-device~~]
25 if the recipient of a voucher exchanges the voucher for a device or
26 service that the distributor or provider sells for less than the
27 voucher's value.

1 (d) An individual who has exchanged a voucher for a
2 specialized telecommunications device is not eligible to receive
3 another voucher before the seventh anniversary of the date the
4 individual exchanged the previously issued voucher unless, before
5 that date, the recipient develops a need for a different type of
6 telecommunications device or service under the program because the
7 recipient's disability changes or the recipient acquires another
8 disability.

9 (e) An individual is not eligible for a voucher if the Texas
10 Commission for the Deaf and Hard of Hearing has issued a voucher to
11 another individual in the individual's household for a device or
12 service to serve the same telephone line.

13 (f) [(e)] The Texas Commission for the Deaf and Hard of
14 Hearing shall:

15 (1) process each application for a voucher to
16 determine eligibility of the applicant; and

17 (2) give each eligible applicant a voucher on payment
18 of a \$35 fee.

19 (g) [(f)] The Texas Commission for the Deaf and Hard of
20 Hearing shall maintain a record regarding each individual who
21 receives a voucher under the program.

22 (h) [(g)] The Texas Commission for the Deaf and Hard of
23 Hearing shall deposit money collected under the program to the
24 credit of the universal service fund.

25 Sec. 56.154. COMMISSION DUTIES. (a) Not later than the
26 45th day after the date the commission receives a voucher a
27 telecommunications device distributor presents for payment or a

1 voucher a telecommunications service provider presents for payment,
2 the commission shall pay to the distributor or service provider the
3 lesser of the value of a voucher properly exchanged for a
4 specialized telecommunications device or service or the full price
5 of the device or service for which a voucher recipient exchanges
6 the voucher. The payments must be made from the universal service
7 fund.

8 (b) The commission may investigate whether the presentation
9 of a voucher for payment represents a valid transaction for a
10 telecommunications device or service under the program. The Texas
11 Commission for the Deaf and Hard of Hearing shall cooperate with
12 and assist the commission in an investigation under this
13 subsection.

14 (c) Notwithstanding Section 56.153(a), the commission may:

15 (1) delay payment of a voucher to a distributor of
16 devices or a service provider if there is a dispute regarding the
17 amount or propriety of the payment or whether the device or service
18 is appropriate or adequate to meet the needs of the person to whom
19 the Texas Commission for the Deaf and Hard of Hearing issued the
20 voucher until the dispute is resolved;

21 (2) provide that payment of the voucher is conditioned 9/7
22 on the return of the payment if the device is returned to the
23 distributor or if the service is not used by the person to whom the
24 voucher was issued; and

25 (3) provide an alternative dispute resolution process
26 for resolving a dispute regarding a subject described by
27 Subdivision (1) or (2).

1 SECTION 8. Subsection (a), Section 56.155, Utilities Code,
2 is amended to read as follows:

3 (a) The commission shall allow a telecommunications utility
4 to recover the universal service fund assessment related to the
5 specialized telecommunications [device] assistance program through
6 a surcharge added to the utility's customers' bills.

7 SECTION 9. (a) In accordance with Subsection (c), Section
8 311.031, Government Code, which gives effect to a substantive
9 amendment enacted by the same legislature that codifies the
10 amended statute, the text of Section 56.021, Subsection (a),
11 Section 56.110, Sections 56.111, 56.151, 56.152, 56.153, and
12 56.154, and Subsection (a), Section 56.155, Utilities Code, as set
13 out in Sections 1, 4, 5, 6, 7, and 8 of this Act, gives effect to
14 changes made by Chapter 149, Acts of the 75th Legislature,
15 Regular Session, 1997.

16 (b) To the extent of any conflict, this Act prevails over
17 another Act of the 76th Legislature, Regular Session, 1999,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

20 SECTION 10. This Act takes effect September 1, 1999.

21 SECTION 11. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended.

April 23 1999 Engrossed

Daisy Shaw
Engrossing Clerk

I hereby certify that this bill and related
copy of the bill as amended, have been
prepared as required by Article III, Section 17B.

Witness my hand and seal this 23rd day of April, 1999.

By: Barrientos

S.B. No. 1441

A BILL TO BE ENTITLED

AN ACT

1 relating to expanding the specialized telecommunications devices
2 assistance program.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 56.021, Utilities Code, is amended to
5 read as follows:

6 Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The
7 commission shall adopt and enforce rules requiring local exchange
8 companies to establish a universal service fund to:

9 (1) assist local exchange companies in providing basic
10 local telecommunications service at reasonable rates in high cost
11 rural areas;

12 (2) reimburse local exchange companies for revenue
13 lost by providing tel-assistance service under Subchapter C;

14 (3) reimburse the telecommunications carrier that
15 provides the statewide telecommunications relay access service
16 under Subchapter D;

17 (4) finance the specialized telecommunications
18 [device] assistance program established under Subchapter E; and

19 (5) reimburse the department, the Texas Commission for
20 the Deaf and Hard of Hearing, and the commission for costs incurred
21 in implementing this chapter and Chapter 57.

22 SECTION 2. Subsection (a), Section 56.110, Utilities Code,
23 is amended to read as follows:

24 (a) An advisory committee to assist the commission in

administering this subchapter is composed of the following persons appointed by the commission:

(1) two persons with disabilities that impair the ability to effectively access the telephone network other than disabilities described by Subdivisions (2)-(7);

(2) one deaf person recommended by the Texas Deaf Caucus;

(3) [+2] one deaf person recommended by the Texas Association of the Deaf;

(4) [+3] one person with a hearing impairment recommended by Self-Help for the Hard of Hearing;

(5) [+4] one person with a hearing impairment recommended by the American Association of Retired Persons;

(6) [+5] one deaf and blind person recommended by the Texas Deaf/Blind Association;

(7) [+6] one person with a speech impairment and one person with a speech and hearing impairment recommended by the Coalition of Texans with Disabilities;

(8) [+7] two representatives of telecommunications utilities, one representing a nonlocal exchange utility and one representing a local exchange company, chosen from a list of candidates provided by the Texas Telephone Association;

(9) [+8] two persons, at least one of whom is deaf, with experience in providing relay services recommended by the Texas Commission for the Deaf and Hard of Hearing; and

(10) [+9] two public members recommended by

1 organizations representing consumers of telecommunications
2 services.

3 SECTION 3. Section 56.111, Utilities Code, is amended to
4 read as follows:

5 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
6 committee shall:

7 (1) monitor the establishment, administration, and
8 promotion of the statewide telecommunications relay access service;

9 (2) advise the commission in pursuing a service that
10 meets the needs of persons with an impairment of hearing or speech
11 in communicating with other telecommunications services users; and

12 (3) advise the commission and the Texas Commission for
13 the Deaf and Hard of Hearing, at the request of either commission,
14 regarding any issue related to the specialized telecommunications
15 [device] assistance program established under Subchapter E,
16 including:

17 (A) devices or services suitable to meet the
18 needs of persons with disabilities [~~the--hearing-impaired--and~~
19 ~~speech-impaired~~] in communicating with other users of
20 telecommunications services; and

21 (B) oversight and administration of the program.

22 SECTION 4. The heading to Subchapter E, Chapter 56,
23 Utilities Code, is amended to read as follows:

24 SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS [DEVICE]

25 ASSISTANCE PROGRAM

26 SECTION 5. Sections 56.151 through 56.154, Utilities Code,

are amended to read as follows:

Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS ~~[DEVICE]~~ ASSISTANCE PROGRAM. The commission and the Texas Commission for the Deaf and Hard of Hearing by rule shall establish a specialized telecommunications assistance program to provide financial assistance to ~~[certain]~~ individuals with disabilities that impair the individuals' ability to effectively access the telephone network ~~[who-are-deaf-or-have-an-impairment-of-hearing--or--speech]~~ to enable the individuals to purchase specialized equipment or services to provide telephone network access that is functionally equivalent to that enjoyed by individuals without disabilities ~~[an impairment-of-hearing-or-speech]~~. The agencies may adopt joint rules that identify devices and services eligible for vouchers under the program.

Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf and Hard of Hearing by rule shall prescribe eligibility standards for individuals, including deaf individuals and individuals who have an impairment of hearing or speech, to receive an assistance voucher under the program. To be eligible, an individual must be a resident of this state who has access to a telephone line in the individual's home or place of business.

Sec. 56.153. VOUCHERS. (a) The Texas Commission for the Deaf and Hard of Hearing shall determine a reasonable price for a basic specialized telecommunications device or basic specialized services to provide telephone network access from a home or business ~~[for-the--deaf--{TDD--or--TTY}]~~ and distribute to each

1 eligible applicant a voucher that guarantees payment of that amount
2 to a distributor of new specialized telecommunications devices
3 described by Section 56.151 or to a provider of services described
4 by that section.

5 (b) A voucher must have the value printed on its face. The
6 individual exchanging a voucher for the purchase of a specialized
7 telecommunications device or service is responsible for payment of
8 the difference between the voucher's value and the price of the
9 device or service.

10 (c) The commission and the Texas Commission for the Deaf and
11 Hard of Hearing by rule shall provide that a distributor of devices
12 or a provider of services will receive not more than the full price
13 of the device or service [~~a-specialized-telecommunications-device~~]
14 if the recipient of a voucher exchanges the voucher for a device or
15 service that the distributor or provider sells for less than the
16 voucher's value.

17 (d) An individual who has exchanged a voucher for a
18 specialized telecommunications device is not eligible to receive
19 another voucher before the seventh anniversary of the date the
20 individual exchanged the previously issued voucher unless, before
21 that date, the recipient develops a need for a different type of
22 telecommunications device or service under the program because the
23 recipient's disability changes or the recipient acquires another
24 disability.

25 (e) An individual is not eligible for a voucher if the Texas
26 Commission for the Deaf and Hard of Hearing has issued a voucher to

1 another individual in the individual's household for a device or
2 service to serve the same telephone line.

3 (f) [~~te~~] The Texas Commission for the Deaf and Hard of
4 Hearing shall:

5 (1) process each application for a voucher to
6 determine eligibility of the applicant; and

7 (2) give each eligible applicant a voucher on payment
8 of a \$35 fee.

9 (g) [~~tf~~] The Texas Commission for the Deaf and Hard of
10 Hearing shall maintain a record regarding each individual who
11 receives a voucher under the program.

12 (h) [~~tg~~] The Texas Commission for the Deaf and Hard of
13 Hearing shall deposit money collected under the program to the
14 credit of the universal service fund.

15 Sec. 56.154. COMMISSION DUTIES. (a) Not later than the
16 45th day after the date the commission receives a voucher a
17 telecommunications device distributor presents for payment or a
18 voucher a telecommunications service provider presents for payment,
19 the commission shall pay to the distributor or service provider the
20 lesser of the value of a voucher properly exchanged for a
21 specialized telecommunications device or service or the full price
22 of the device or service for which a voucher recipient exchanges
23 the voucher. The payments must be made from the universal service
24 fund.

25 (b) The commission may investigate whether the presentation
26 of a voucher for payment represents a valid transaction for a

1 telecommunications device or service under the program. The Texas
2 Commission for the Deaf and Hard of Hearing shall cooperate with
3 and assist the commission in an investigation under this
4 subsection.

5 (c) Notwithstanding Section 56.153(a), the commission may:

6 (1) delay payment of a voucher to a distributor of
7 devices or a service provider if there is a dispute regarding the
8 amount or propriety of the payment or whether the device or service
9 is appropriate or adequate to meet the needs of the person to whom
10 the Texas Commission for the Deaf and Hard of Hearing issued the
11 voucher until the dispute is resolved;

12 (2) provide that payment of the voucher is conditioned
13 on the return of the payment if the device is returned to the
14 distributor or if the service is not used by the person to whom the
15 voucher was issued; and

16 (3) provide an alternative dispute resolution process
17 for resolving a dispute regarding a subject described by
18 Subdivision (1) or (2).

19 SECTION 6. Subsection (a), Section 56.155, Utilities Code,
20 is amended to read as follows:

21 (a) The commission shall allow a telecommunications utility
22 to recover the universal service fund assessment related to the
23 specialized telecommunications [device] assistance program through
24 a surcharge added to the utility's customers' bills.

25 SECTION 7. (a) In accordance with Subsection (c), Section
26 311.031, Government Code, which gives effect to a substantive

1 amendment enacted by the same legislature that codifies the
2 amended statute, the text of Section 56.021, Subsection (a),
3 Section 56.110, Sections 56.111, 56.151, 56.152, 56.153, and
4 56.154, and Subsection (a), Section 56.155, Utilities Code, as set
5 out in Sections 1 through 6 of this Act, gives effect to changes
6 made by Chapter 149, Acts of the 75th Legislature, Regular
7 Session, 1997.

8 (b) To the extent of any conflict, this Act prevails over
9 another Act of the 76th Legislature, Regular Session, 1999,
10 relating to nonsubstantive additions to and corrections in enacted
11 codes.

12 SECTION 8. This Act takes effect September 1, 1999.

13 SECTION 9. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 18, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (relating to expanding the specialized telecommunications devices assistance program), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 1st House, Substituted: impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with

disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 13, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Introduced: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. The cost of two additional employees (2 Administrative Tech. II positions) are included at \$21,852 each. One time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000. The average cost of equipment is estimated to be \$424; therefore, it is assumed that 430 new applicants each year at \$424 each, would cost \$182,320 in year one, and continued each

year thereafter.

Methodology

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint a nine member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities. Reimbursements for travel and other committee related expenses must be authorized in the General Appropriations Act.

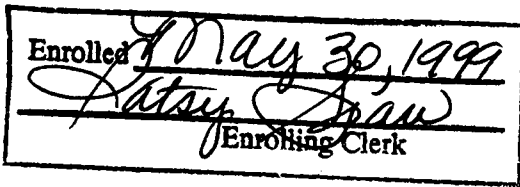
The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, ER



S.B. No. 1441

AN ACT

1 relating to expanding the specialized telecommunications devices
2 assistance program and contracts for special features of the
3 telecommunications relay access service.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 56.021, Utilities Code, is amended to
6 read as follows:

7 Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The
8 commission shall adopt and enforce rules requiring local exchange
9 companies to establish a universal service fund to:

10 (1) assist local exchange companies in providing basic
11 local telecommunications service at reasonable rates in high cost
12 rural areas;

13 (2) reimburse local exchange companies for revenue
14 lost by providing tel-assistance service under Subchapter C;

15 (3) reimburse the telecommunications carrier that
16 provides the statewide telecommunications relay access service
17 under Subchapter D;

18 (4) finance the specialized telecommunications
19 [device] assistance program established under Subchapter E; and

20 (5) reimburse the department, the Texas Commission for
21 the Deaf and Hard of Hearing, and the commission for costs incurred
22 in implementing this chapter and Chapter 57.

23 SECTION 2. Subchapter D, Chapter 56, Utilities Code, is
24 amended by adding Section 56.1085 to read as follows:

1 Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE.

2 (a) The commission may contract for a special feature for the
3 state's telecommunications relay access service if the commission
4 determines:

5 (1) the feature will benefit the communication of
6 persons with an impairment of hearing or speech;

7 (2) installation of the feature will be of benefit to
8 the state; and

9 (3) the feature will make the relay access service
10 available to a greater number of users.

11 (b) If the carrier selected to provide the
12 telecommunications relay access service under Section 56.108 is
13 unable to provide the special feature at the best value to the
14 state, the commission may make a written award of a contract for a
15 carrier to provide the special feature to the telecommunications
16 carrier whose proposal is most advantageous to the state,
17 considering:

18 (1) the factors provided by Section 56.108(b); and

19 (2) the past performance, demonstrated capability, and
20 experience of the carrier.

21 (c) The commission shall consider each proposal in a manner
22 that does not disclose the contents of the proposal to a
23 telecommunications carrier making a competing proposal.

24 (d) The commission's evaluation of a telecommunications
25 carrier's proposal shall include the considerations provided by
26 Section 56.108(d).

1 SECTION 3. Subsection (a), Section 56.109, Utilities Code,
2 is amended to read as follows:

3 (a) The telecommunications carrier selected to provide the
4 telecommunications relay access service under Section 56.108 or the
5 carrier selected to provide a special feature for [that-provides]
6 the telecommunications relay access service under Section 56.1085
7 shall be compensated at rates and on terms provided by the
8 carrier's contract with the commission.

9 SECTION 4. Subsection (a), Section 56.110, Utilities Code,
10 is amended to read as follows:

11 (a) An advisory committee to assist the commission in
12 administering this subchapter is composed of the following persons
13 appointed by the commission:

14 (1) two persons with disabilities that impair the
15 ability to effectively access the telephone network other than
16 disabilities described by Subdivisions (2)-(7);

17 (2) one deaf person recommended by the Texas Deaf
18 Caucus;

19 (3) [+2+] one deaf person recommended by the Texas
20 Association of the Deaf;

21 (4) [+3+] one person with a hearing impairment
22 recommended by Self-Help for the Hard of Hearing;

23 (5) [+4+] one person with a hearing impairment
24 recommended by the American Association of Retired Persons;

25 (6) [+5+] one deaf and blind person recommended by the
26 Texas Deaf/Blind Association;

1 (7) [~~+6~~] one person with a speech impairment and one
2 person with a speech and hearing impairment recommended by the
3 Coalition of Texans with Disabilities;

4 (8) [~~+7~~] two representatives of telecommunications
5 utilities, one representing a nonlocal exchange utility and one
6 representing a local exchange company, chosen from a list of
7 candidates provided by the Texas Telephone Association;

8 (9) [~~+8~~] two persons, at least one of whom is deaf,
9 with experience in providing relay services recommended by the
10 Texas Commission for the Deaf and Hard of Hearing; and

11 (10) [~~+9~~] two public members recommended by
12 organizations representing consumers of telecommunications
13 services.

14 SECTION 5. Section 56.111, Utilities Code, is amended to
15 read as follows:

16 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
17 committee shall:

18 (1) monitor the establishment, administration, and
19 promotion of the statewide telecommunications relay access service;

20 (2) advise the commission in pursuing a service that
21 meets the needs of persons with an impairment of hearing or speech
22 in communicating with other telecommunications services users; and

23 (3) advise the commission and the Texas Commission for
24 the Deaf and Hard of Hearing, at the request of either commission,
25 regarding any issue related to the specialized telecommunications
26 [~~device~~] assistance program established under Subchapter E,

1 including:

2 (A) devices or services suitable to meet the
3 needs of persons with disabilities [~~the--hearing-impaired--and~~
4 ~~speech-impaired~~] in communicating with other users of
5 telecommunications services; and

6 (B) oversight and administration of the program.

7 SECTION 6. The heading to Subchapter E, Chapter 56,
8 Utilities Code, is amended to read as follows:

9 SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS [~~DEVICE~~]

10 ASSISTANCE PROGRAM

11 SECTION 7. Sections 56.151 through 56.154, Utilities Code,
12 are amended to read as follows:

13 Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS [~~DEVICE~~]
14 ASSISTANCE PROGRAM. The commission and the Texas Commission for
15 the Deaf and Hard of Hearing by rule shall establish a specialized
16 telecommunications assistance program to provide financial
17 assistance to [~~certain~~] individuals with disabilities that impair
18 the individuals' ability to effectively access the telephone
19 network [~~who-are-deaf-or-have-an-impairment-of-hearing--or--speech~~]
20 to enable the individuals to purchase specialized equipment or
21 services to provide telephone network access that is functionally
22 equivalent to that enjoyed by individuals without disabilities [~~an~~
23 ~~impairment-of-hearing-or-speech~~]. The agencies may adopt joint
24 rules that identify devices and services eligible for vouchers
25 under the program.

26 Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf

1 and Hard of Hearing by rule shall prescribe eligibility standards
2 for individuals, including deaf individuals and individuals who
3 have an impairment of hearing or speech, to receive an assistance
4 voucher under the program. To be eligible, an individual must be a
5 resident of this state who has access to a telephone line in the
6 individual's home or place of business.

7 Sec. 56.153. VOUCHERS. (a) The Texas Commission for the
8 Deaf and Hard of Hearing shall determine a reasonable price for a
9 basic specialized telecommunications device or basic specialized
10 services to provide telephone network access from a home or
11 business [~~for the--deaf--(TDD--or--TTY)~~] and distribute to each
12 eligible applicant a voucher that guarantees payment of that amount
13 to a distributor of new specialized telecommunications devices
14 described by Section 56.151 or to a provider of services described
15 by that section. The Texas Commission for the Deaf and Hard of
16 Hearing may issue a voucher for a service only if the service is
17 less expensive than a device eligible for a voucher under the
18 program to meet the same need.

19 (b) A voucher must have the value printed on its face. The
20 individual exchanging a voucher for the purchase of a specialized
21 telecommunications device or service is responsible for payment of
22 the difference between the voucher's value and the price of the
23 device or service.

24 (c) The commission and the Texas Commission for the Deaf and
25 Hard of Hearing by rule shall provide that a distributor of devices
26 or a provider of services will receive not more than the full price

1 of the device or service [~~a-specialized-telecommunications--device~~]
2 if the recipient of a voucher exchanges the voucher for a device or
3 service that the distributor or provider sells for less than the
4 voucher's value.

5 (d) An individual who has exchanged a voucher for a
6 specialized telecommunications device is not eligible to receive
7 another voucher before the seventh anniversary of the date the
8 individual exchanged the previously issued voucher unless, before
9 that date, the recipient develops a need for a different type of
10 telecommunications device or service under the program because the
11 recipient's disability changes or the recipient acquires another
12 disability.

13 (e) An individual is not eligible for a voucher if the Texas
14 Commission for the Deaf and Hard of Hearing has issued a voucher to
15 another individual in the individual's household for a device or
16 service to serve the same telephone line.

17 (f) [~~f~~] The Texas Commission for the Deaf and Hard of
18 Hearing shall:

19 (1) process each application for a voucher to
20 determine eligibility of the applicant; and

21 (2) give each eligible applicant a voucher on payment
22 of a \$35 fee.

23 (g) [~~g~~] The Texas Commission for the Deaf and Hard of
24 Hearing shall maintain a record regarding each individual who
25 receives a voucher under the program.

26 (h) [~~h~~] The Texas Commission for the Deaf and Hard of

1 Hearing shall deposit money collected under the program to the
2 credit of the universal service fund.

3 Sec. 56.154. COMMISSION DUTIES. (a) Not later than the
4 45th day after the date the commission receives a voucher a
5 telecommunications device distributor presents for payment or a
6 voucher a telecommunications service provider presents for payment,
7 the commission shall pay to the distributor or service provider the
8 lesser of the value of a voucher properly exchanged for a
9 specialized telecommunications device or service or the full price
10 of the device or service for which a voucher recipient exchanges
11 the voucher. The payments must be made from the universal service
12 fund.

13 (b) The commission may investigate whether the presentation
14 of a voucher for payment represents a valid transaction for a
15 telecommunications device or service under the program. The Texas
16 Commission for the Deaf and Hard of Hearing shall cooperate with
17 and assist the commission in an investigation under this
18 subsection.

19 (c) Notwithstanding Section 56.153(a), the commission may:

20 (1) delay payment of a voucher to a distributor of
21 devices or a service provider if there is a dispute regarding the
22 amount or propriety of the payment or whether the device or service
23 is appropriate or adequate to meet the needs of the person to whom
24 the Texas Commission for the Deaf and Hard of Hearing issued the
25 voucher until the dispute is resolved;

26 (2) provide that payment of the voucher is conditioned

1 on the return of the payment if the device is returned to the
2 distributor or if the service is not used by the person to whom the
3 voucher was issued; and

4 (3) provide an alternative dispute resolution process
5 for resolving a dispute regarding a subject described by
6 Subdivision (1) or (2).

7 SECTION 8. Subsection (a), Section 56.155, Utilities Code,
8 is amended to read as follows:

9 (a) The commission shall allow a telecommunications utility
10 to recover the universal service fund assessment related to the
11 specialized telecommunications [device] assistance program through
12 a surcharge added to the utility's customers' bills.

13 SECTION 9. (a) In accordance with Subsection (c), Section
14 311.031, Government Code, which gives effect to a substantive
15 amendment enacted by the same legislature that codifies the
16 amended statute, the text of Section 56.021, Subsection (a),
17 Section 56.110, Sections 56.111, 56.151, 56.152, 56.153, and
18 56.154, and Subsection (a), Section 56.155, Utilities Code, as set
19 out in Sections 1, 4, 5, 6, 7, and 8 of this Act, gives effect to
20 changes made by Chapter 149, Acts of the 75th Legislature,
21 Regular Session, 1997.

22 (b) To the extent of any conflict, this Act prevails over
23 another Act of the 76th Legislature, Regular Session, 1999,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

26 SECTION 10. This Act takes effect September 1, 1999.

S.B. No. 1441

1 SECTION 11. The importance of this legislation and the
2 crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended.

S.B. No. 1441

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1441 passed the Senate on April 23, 1999, by a viva-voce vote; and that the Senate concurred in House amendment on May 28, 1999, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1441 passed the House, with amendment, on May 26, 1999, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session
Revision 1

May 14, 1999

TO: Honorable Elliott Naishtat, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 2nd House, Substituted: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunication services. The cost estimate has been revised to reflect Public Utility Commission's assumption that the fiscal impact would be limited to approximately 430 new applicants at a projected total cost of \$182,320 per year.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities.

Methodology

The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 4, 1999

TO: Honorable Elliott Naishtat, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Engrossed: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility Commission of Texas

LBB Staff: JK, TP, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 18, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (relating to expanding the specialized telecommunications devices assistance program), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, Committee Report 1st House, Substituted: impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (3,852,882)	2.0
2001	(3,842,082)	2.0
2002	(3,842,082)	2.0
2003	(3,842,082)	2.0
2004	(3,842,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Assistance Program to apply to individuals with disabilities that impair their ability to effectively access the telephone network. In addition to equipment, the bill would allow for services to be provided for persons with disabilities in communicating with other users of telecommunications services.

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint an eleven member advisory committee to advise the Commission on issues regarding telephone network access for individuals with

disabilities.

Methodology

Two new positions would be funded from the Universal Service Fund. All costs associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers. The cost of two additional employees (2 Admin. Tech. II positions) are included at \$21,852 each. One-time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000; the average cost of equipment is estimated to be \$424. This estimate assumes 430 new applicants each year at \$424 each for a cost of \$182,320 each year.

It is assumed that an increase in costs for the program would occur related to the provision of services in addition to equipment. Based upon the experience of the equipment program with 8,500 vouchers issued at an average cost of \$424 each for the hearing impaired individuals, it is assumed that providing services would have similar costs of \$3,604,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, SD, BB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 13, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1441 by Barrientos (Relating to expanding the specialized telecommunications devices assistance program.), As **Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1441, As Introduced: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Other - Universal Service Fund</i>	Change in Number of State Employees from FY 1999
2000	\$ (248,882)	2.0
2001	(238,082)	2.0
2002	(238,082)	2.0
2003	(238,082)	2.0
2004	(238,082)	2.0

Technology Impact

Two computers (\$2,700 each), two teletypewriters (\$400 each), two printers (\$500 each) for a total of \$7,200.

Fiscal Analysis

The bill would broaden the description of individuals eligible for the Specialized Telecommunications Device Assistance Program to apply to individuals with disabilities that impair the individuals' ability to access effectively the telephone network. The cost of two additional employees (2 Administrative Tech. II positions) are included at \$21,852 each. One time operating expenses are assumed in year one (\$3,600) for furniture and software for the two new employees.

According to the Commission for the Deaf and Hard of Hearing, it is estimated that 430 new applicants would request assistance through the program in fiscal 2000. The average cost of equipment is estimated to be \$424; therefore, it is assumed that 430 new applicants each year at \$424 each, would cost \$182,320 in year one, and continued each

year thereafter.

Methodology

The bill would create a new Specialized Telecommunications Issues Advisory Committee and would require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to appoint a nine member advisory committee to advise the Commission on issues regarding telephone network access for individuals with disabilities. Reimbursements for travel and other committee related expenses must be authorized in the General Appropriations Act.

The two new positions would be funded from the Universal Service Fund. All cost associated with the program would be reimbursed through the Universal Services Fund. Local telephone exchange carriers are authorized to pass through their assessments costs for these reimbursements to their customers.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 335 Commission for the Deaf and Hearing Impaired, 473 Public Utility
Commission of Texas

LBB Staff: JK, TP, ER

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1441 passed the Senate on April 23, 1999, by a viva-voce the following votes: Yeas 2, Nays 0; and that the Senate concurred in House amendment on May 28, 1999, by a viva-voce the following votes: Yeas 2, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1441 passed the House, with amendment, on May 26, 1999, by a non-record the following votes: Yeas 6, Nays 0.

Chief Clerk of the House

Approved:

Date

Governor

S.B. No. 1441

By Barrientes

A BILL TO BE ENTITLED

AN ACT:

Relating to expanding the specialized telecommunications devices assistance program.

3-12-99

Filed with the Secretary of the Senate

MAR 15 1999

Read and referred to Committee on HUMAN SERVICES

Reported favorably

APR 19 1999

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 23 1999

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

yes, no nays

APR 23 1999

Read second time, amended, and ordered engrossed by:

unanimous consent

a viva voce vote

yes, no nays

APR 23 1999

Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 1 nays.

APR 23 1999

Read third time, _____, and passed by:

A viva voce vote

yes, no nays

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

April 23, 1999

Engrossed

April 26, 1999

Sent to House

Engrossing Clerk

Datsy Law

APR 26 1999

Received from the Senate

APR 27 1999

Read first time and referred to Committee on Human Services

MAY 04 1999

Reported favorably (~~unfavorably~~) (as substituted) MAY 14 1999 Reported favorably (as substituted)

MAY 04 1999

Sent to Committee on (Calendars) (~~Committee on Calendars~~)

MAY 12 1999

committed to Human Services

MAY 14 1999

Read second time comm. subs. (~~unfavorably~~); passed to third reading (~~failed~~) by a (non-record vote)

MAY 25 1999

(~~record vote of~~ yes, no nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

MAY 26 1999

Read third time (amended); finally passed (~~failed to pass~~) by a (non-record vote) (~~record vote of~~ yes, no nays, present, not voting)

MAY 26 1999

Returned to Senate.

Sharon Carter

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 26 1999

Returned from House with _____ amendments.

MAY 28 1999

Concurred in House amendments by a viva voce vote yes, no nays

MAY 17 1999

2nd Committee Report sent to Calendars

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

MAY 15 AM 2:03 PM
HOUSE OF REPRESENTATIVES